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REPORTS

FROM

COMMITTEES:

SIXTEEN VOLUMES.

—(4.)—

BRIBERY AT ELECTIONS.

Session

19 *February*——10 *September* 1835.

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1835.

REPORTS FROM COMMITTEES:

1835.

SIXTEEN VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

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REPORT

FROM

SELECT COMMITTEE

ON

BRIBERY AT ELECTIONS;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
20 *August* 1835.

Mercurii, 11° die Martii, 1835.

Ordered, THAT a Select Committee be appointed to consider the most effectual means of preventing Bribery, Corruption and Intimidation, in the Election of Members to serve in Parliament:—And a Committee was appointed of—

Sir George Grey.
Lord John Russell.
Mr. Chancellor of the Exchequer.
Mr. Williams Wynn.
Mr. Goulburn.
Mr. Hardy.
Mr. Poulter.
Sir James Graham.
Mr. William Ord.
Mr. Solicitor General.
Sir John Campbell.
Lord Viscount Clements.
Mr. Grote.
The Lord Advocate.
Mr. Serjeant Perrin.
Mr. Gisborne.
Lord Dalmeny.
Sir George Clerk.
Mr. Jackson.
Mr. Stewart Mackenzie.
Lord Viscount Morpeth.
Mr. Anthony Lefroy.
Mr. Sheil.
Mr. Charles Buller.
Mr. Forster.
Mr. Estcourt.
Mr. Bonham Carter.
Sir Thomas Fremantle.
Mr. Tooke.
Sir John Beckett.
Mr. Murray.
Lord James Stuart.
Mr. Lefevre.
Mr. Warburton.
Mr. James Stuart Wortley.
Mr. More O'Ferrall.
Mr. Parker.

Ordered, THAT the Committee have Power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 1° die Junii, 1835.

Ordered, THAT Sir Henry Hardinge, Sir William Molesworth, Mr. Anderson Pelham, Mr. Chalmers, and Mr. Attorney General, be added to the Committee.

Martis, 23° die Junii, 1835.

Ordered, THAT Mr. Charles Walker be added to the Committee.

Jovis, 20° die Augusti, 1835.

Ordered, THAT the Committee have Power to report the Minutes of the Evidence taken before them.

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REPORT.

THE SELECT COMMITTEE appointed to consider the most effectual means of preventing BRIBERY, CORRUPTION and INTIMIDATION in the ELECTION of MEMBERS to serve in PARLIAMENT, and who were empowered to report the MINUTES of the EVIDENCE taken before them to The House; —— HAVE considered the Matter to them referred; and have agreed to the following REPORT:—

YOUR Committee have examined a great number of Witnesses, whose Evidence they beg to lay before The House; and to observe, that in the present state of the inquiry which they have made into the subjects referred to them, they abstain from making any observations upon the result of the Evidence which they now submit for the consideration of The House.

Your Committee, having felt it their duty rather to obtain Evidence bearing generally upon the subject matters referred to them, than to investigate particular cases with a view to establish or invalidate accusations against individuals, have been obliged to abstain from a full and complete examination of many charges which in the course of the Evidence have been made with reference to the conduct of Parties concerned in the transactions detailed by the Witnesses; and they feel it to be only due to those Parties, that this observation should accompany the Evidence now reported to The House, lest in those instances the absence of contradiction to *ex parte* accusations should be at once presumed to arise from any other cause than the course of the inquiry which Your Committee felt themselves compelled to pursue.

August 1835.

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MINUTES OF EVIDENCE.

Martis, 31° *die Martii*, 1835.

SIR GEORGE GREY, BARONET, IN THE CHAIR.

Mr. *Francis John Gunning*, called in; and Examined.

Mr. *F. J. Gunning*

31 March 1835.

1. ARE you in the profession of the law at Cambridge?—Yes, I am a solicitor.

2. Have you resided at Cambridge some years past?—I have been residing there twelve years.

3. Have you been concerned at all in any of the recent elections for Members of Parliament at Cambridge professionally?—I have been concerned professionally in all the three elections since the passing of the Reform Bill.

4. Have you had occasion to direct your attention to the existing statutes upon the subject of bribery?—I have.

5. Have you conducted any case under any of the statutes against individuals for the penalties?—I have conducted two cases for bribery arising out of the last election, upon which I have obtained convictions under the statute.

6. What statute?—The second of Geo. II. c. 24.

7. Will you look at this Abstract of the Statutes, and state whether, in the getting up these cases, or the conduct of them, any difficulty occurred to you that could be remedied by future enactment?—My attention was drawn particularly to the Act under which I prosecuted, the second of George II., by which it is enacted, "That if any person by himself, or any person employed by him, doth or shall, by any gift or reward, corrupt or procure any person or persons to give his or their votes, or to forbear to give his or their vote or votes, in any such election, that such person so offending in any of the cases aforesaid shall for every such offence forfeit 500*l.*" Now upon that part of the statute I have been incapable of meeting several cases occurring at the recent election, in consequence of the decision of the court of law.

8. What is the nature of the decision?—It has been held by the courts, that, in order to bring the parties within the penalty, the persons to whom the bribe is offered must accept it, or that there must be some agreement between the briber and the bribee, in order to bring it within the penalty of the statute; and I could mention a dozen cases within my own knowledge where parties have offered to bribe voters, and the voters have refused to accept such bribes, and the parties so offering the bribes remain unpunished, unless we indict them for a misdemeanor for attempting to bribe at common law. I preferred an indictment at the last assizes against a person for endeavouring to corrupt eight voters at the recent election, on which a bill has been found, and it is now traversed. Those eight cases were cases which the statute did not meet, owing to the bribe not having been accepted by the party to whom it was offered. In the former part of the statute, if any person shall ask for a bribe, he is amenable to the statute, whether it be given or not.

9. Have you known any cases in which a person has been convicted of having asked for a bribe, when the bribe has not been given?—No, I know of no case where it has occurred; but I know of a case in which it has been laid down by the judges that such would be the law.

10. Refer to the case?—Bush *v.* Rawlings, in Sayer, p. 289.

11. Would you propose any alteration of the statute, that it should be made an offence within the Act to offer a bribe to the voter?—I would propose that the party should be guilty under the Act. If there was no decision upon it, I should

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31 March 1835.

say that the party offering the bribe ought to be made amenable to the law. The offence is complete on his part, whether accepted or not. There is another observation I would mention arising out of the decision of the Court. I will state a case which occurred, where a person attended the house of a voter for the purpose of getting his vote; the man went out of the back-door of the house, and voted for Rice and Pryme at the last election. During his absence, the party attending gave his wife 10*l.*, in order to procure her husband to vote for Mr. Knight; and it has been decided that a subsequent payment is not an offence. It may be an indictable offence at common law, but not an offence under the statute.

12. The briber did not know the voter had voted?—No, he did not know the voter had voted; he had been with him constantly, and made promises of money.

13. Do you mean to say that would be an offence within the seventh section, provided the 10*l.* was paid previously to the voter voting, although he had no knowledge of it?—I think it would be an offence within the 49th George III.

14. Under what words of the 49th George III.?—I think under these words, "That if any person or persons shall, from and after the passing of this Act, either by himself, herself or themselves, or by any other person or persons, for or on his or their behalf, give, or cause to be given, directly or indirectly, or promise or agree to give, any sum of money, gratuity or reward, to any person or persons, upon any engagement, contract or agreement by such person or persons, to whom, at whose undertaking, or on whose behalf such gift or promise shall be made, shall by himself, herself or themselves, or by any other person or persons whatever, at his, her or their solicitation, request or command, procure, or endeavour to procure, the return of any person to serve in Parliament."

15. Then you think, under these words, that if money was given for the purpose of endeavouring to procure her husband to vote for a particular Member of Parliament, the party would be indictable under the words of this statute, without any engagement, contract or agreement expressed?—That is for the Courts to decide. I do not think it has been decided; but it ought to be, if it has not. I think, without any contract or agreement expressed, if the money is accepted; because, in cases under the second George II., it has been decided frequently that it is not necessary that there should be any verbal contract; but the acceptance of the money itself has been held to be evidence of the contract.

16. The words are different in the second George II.?—They are different.

17. It is, "either gift or reward, accept or procure?"—Yes.

18. What provision would you propose to introduce into any new Act upon the subject, with a view to meeting the cases you have just referred to, so as clearly to bring the offence within the statute?—I do not know whether the words, "any offer, for the purpose of corrupting," &c., would meet it or not; I think they would.

19. Would you think it desirable to introduce in any new Act an enactment for money paid for a vote irrespectively by previous agreement?—I think it would be desirable to introduce into the statute a provision of that nature, for there is frequently a difficulty by indictment at common law to meet the cases arising out of elections. I can state the difficulty, for I have known many of the grand jury to leave the room, and the bill has not been returned upon that ground.

20. Do you think the two suggestions you have made, in reference to the offer to bribe, and the acceptance, and the second, to giving the money after the vote, would meet the majority of cases that occur at the election of boroughs?—Whether it would meet them, without consideration, I am not prepared to say.

21. Does any suggestion occur to you upon these two statutes together?—The great objection to the statute, as it stands, is the difficulty of convicting the parties where the offence has not been consummated by the acceptance of the bribe by the party to whom it is offered.

22. Have you had your attention attracted to the fact of the bribery oath, as administered to voters,—I mean in elections for the borough; has it been the practice to administer the bribery oath?—I have seen a frequent disregard of the moral obligation of an oath at the Cambridge election with reference to the bribery.

23. You have seen the bribery oath administered to voters?—Frequently to voters at Cambridge; I have frequently seen it taken by persons to whom I have the strongest moral certainty that bribes have been given.

24. Have you ever seen the oath tendered and refused?—I have seen a party at the last election, who was desired to go before the returning officer to take the oath, and he did not go.

25. Was

25. Was the vote rejected?—Yes.

26. He did not vote at the election?—No.

27. Was that the only case you remember at the last election, of any voter abstaining from voting, in consequence of refusing to take the bribery oath?—That was the only case.

28. Can you state the number of voters to whom it was administered?—I cannot; the chairman of Mr. Rice's committee, a gentleman of great respectability, was himself sent before the returning officer to take the oath; but Mr. Knight, who was present, would not allow it to be put, and there was an understanding entered into between the agents on both sides, that unless there was some ground alleged upon which the oath should be put, that it should not be put at all, and it was not administered after that, except in some few cases.

29. Previously to that, had it been put to many of the voters?—Yes, to many.

30. Referring to former elections, was it the practice to administer the oath to the electors of Cambridge?—Not generally.

31. Have you been conversant with elections at other places besides Cambridge?—No.

32. Do you think it would have any prejudicial effect on the purity of elections, if the bribery oath was no longer capable of being administered to voters?—I am much afraid the bribery oath is very much disregarded by electors.

33. Has your attention been directed at all to the Treating Act of the 7th Will. III.?—No, not at all.

34. Have you, in the course of the elections with which you have been conversant, seen treating carried on?—I have seen treating carried on a considerable time previous to the election, and during the election.

35. You mean after the teste of the writ?—Yes.

36. Can you state in what mode the provision of that Act is evaded, so as to carry on the treating after the teste of the writ?—It is done by a person not connected with the committee, and who is not a voter, and generally, I conceive, with an understanding that the candidate will pay the expense of such treating.

37. Are you aware that the 7th of Will. III. c. 4, disables any person hereafter from being elected, who is guilty of treating after the teste of the writ, and from sitting and voting in The House of Commons?—Yes.

38. Can you state if the practice is of frequent occurrence; how it is that it is not brought before The House of Commons; what is the difficulty of bringing the Act to bear upon the cases?—I have never known any attempt to bring it before The House. I think the difficulty would be this, as you will see; the refreshment may be ordered at a particular house for the voters in a certain interest, and paid for by a party not on the committee of the candidate, and not connected with the committee, and who is not a voter.

39. Then the difficulty would be in the proof of agency?—Yes.

40. Could you suggest any legislative enactment, by which it would be more difficult to carry on treating previously to the election?—Not without consideration.

41. Have you any other suggestion to make to the Committee with respect to the subject of bribery or treating?—I can state generally that bribery to an extent beyond the cases I have mentioned, has taken place at the two last elections; and I would state moreover, that at the election in June last, there was a public-house belonging to an alderman at Cambridge, which was kept open for one party; and there was, I am told, as much as 300*l.* or 400*l.* lying on the table. It was a sort of committee-room, at which bribery was understood to take place.

42. Did any evidence exist of individual voters having been bribed with the money?—Not of having been bribed; there is a great difficulty in detecting bribery; I know but of one case; one case I could give legal evidence of.

43. With regard to the penalties imposed by the statute of 2 Geo. II. does any thing occur to you upon it?—No; the parties against whom the actions were brought were agents of one of the candidates; one was clerk to a bookseller, earning 36*s.* a week; the other was clerk to an attorney; neither of whom had the power of paying 500*l.*

44. Have the penalties been paid?—No, we shall not get final judgment till next term, but it is reported that they will be paid.

45. Are the parties themselves competent to pay them?—Most clearly not.

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46. Do you think 500*l.* penalty is a sufficient check upon parties at elections, supposing the Act to be comprehensive enough to include the cases you previously referred to?—I think 500*l.* is a sufficient check, supposing we have the means of recovering it from the persons convicted; if the persons convicted were not to pay, and were put in gaol for non-payment of the debt (it becomes a debt by the statute), they may perhaps obtain their discharge under the law relating to insolvent debtors, therefore I think it would not be a sufficient check; I do not know how it would be decided in case the party applied for his discharge under these circumstances.

47. Has any instance come within your knowledge of that nature?—Not one; the 8th section of the 2d George II. provides that the party making the discovery of another giving a bribe, shall himself be exonerated from the liabilities imposed by the Act; I think the mode in which the discovery is made, so as to entitle the party to the benefit of that clause, should be defined; for instance, this case might occur; a party is guilty of offering a bribe, and an action is brought against him, and in order to entitle himself to the benefit of this clause, he may bring an action against another party who had received the bribe, upon which judgment may be obtained by default, and upon that conviction he might entitle himself to the benefit of the discovery clause before the action against him could be brought to a trial; it might be a mere collusive action on his part to evade the penalties imposed upon him for the violation of the Act.

48. What amendment would you propose in that clause of the Act?—That a party who makes the discovery do so in a mode that might be defined, in order to render himself the first discoverer; if this Act was definite upon this point, it would prevent collusive actions by parties who are themselves sued, and who are generally the most guilty parties.

49. Do you conceive the clause applies to the original discoverer, and not to the witness who may give evidence in cases of bribery?—The witness who gives evidence may be termed the discoverer.

50. Did any cases arise at all in the elections at Cambridge as to the liability to which persons who are giving evidence subjected themselves?—No, in the bribery cases that occurred at Cambridge, the parties by whose evidence I obtained convictions, are themselves exonerated under this clause as the discoverers under the Act.

51. They were both the original discoverers?—Yes.

52. Supposing you had required any further evidence beyond that of the orginal discoverers, do you conceive that witnesses being *particeps criminis* would be comprised under that clause, and protect themselves, by giving evidence, from any liabilities under the statute?—If they were willing witnesses, they ought to be entitled to the benefit of it.

53. Supposing the clause not to include witnesses of that description, would it not be desirable to give some indemnity to them?—I think it would.

54. Do you think any better indemnity might be usefully provided than exists now by this Act for witnesses giving evidence on trials under this Act?—It can hardly ever happen that witnesses who give evidence under this Act are themselves the bribed party, unless they are the original discoverers. I do not think it is desirable to make any alteration in that respect.

55. Have you any experience in the conduct of petitions before The House of Commons?—Very little indeed.

56. Have you any thing to add upon the subject of bribery?—No; I think that bribery would be very materially prevented, in boroughs particularly, if the poll was taken in one day instead of two days, as at present; I think that is a most important consideration.

57. In order to get through the voting in one day, would it not be desirable as much as possible to dispense with unnecessary oaths and affirmations?—Clearly. I am satisfied that bribery is practised most extensively at the end of the first day's polling. At the late election the worst features of the old system were maintained of cooping and taking away voters, and keeping them drunk.

58. Is it not generally the worst class of voters that hold back till the second day?—Certainly.

59. If the two sides are nearly equal, it is a very small number of voters in that case that will turn the balance, even though the number of electors be very large;

if

if a small balance will turn the scale, it may be worth the candidate's while to give a small number of voters a very large bribe?—Clearly, and it is frequently practised.

60. Will any inconvenience arise from taking the poll in one day?—Certainly not, at Cambridge.

61. How many polled at the last election?—Between 1,300 and 1,400.

62. Looking at the provisions of the Reform Act as to the description of poll-booths, do you think there would be any inconvenience in many boroughs in taking the poll in one day?—I think not; I have seen electors brought up on the second day in such a state of intoxication, that they could scarcely pronounce the name of the candidate.

63. Do you think, with the present number of poll-booths, that they could take the votes in one day?—At Cambridge they might clearly be taken in one day.

64. Have you any suggestions to make to the Committee with regard to the kind of influence besides bribes, practised at elections, within your cognizance?—With regard to intimidation, I should say that the intimidation that is exercised at Cambridge is principally by the University.

65. State the different modes in which that intimidation is exercised?—I will state one mode in which the Vice-Chancellor has the power, and which he has exercised, of controlling voters.

66. What power has he over the voters for the borough of Cambridge?—I will state first, that in last November Term the young men *in statu pupillaris* at Cambridge that were residing out of the walls in lodgings within the borough, were 567, according to the return of the University officer. No person can receive an undergraduate as a lodger, unless he has a license to do so from the Vice-Chancellor. The Vice-Chancellor has the power of granting licenses at his pleasure, or suspending them, or withholding them, without assigning any reason for doing so; and the suspension of a license of that nature would be in many cases the ruin of the individual on whom such a power was exercised. Previous to the election in June last, the Vice-Chancellor for the time being, who has very strong political feelings, sent round the marshal of the University (who is the officer who delivers notices to these parties to attend on the subject of licensing), to many persons so circumstanced to request their vote for a certain candidate; to many persons so situated, that message would be a command, and it would be acted upon. I have not any doubt that was done very extensively.

67. It was merely to request the individuals that they would vote for a particular individual?—Yes, a request that they would vote for such a candidate.

68. They acted, then, under the fear of having their licenses withdrawn?—I have no doubt they did, and I will mention one case in which I conceive that power was exercised.

69. Was it exercised before or after the vote was given?—It was threatened before, and executed afterwards. Before the election in June last, the day appointed for licensing lodging-houses was named by the Vice-Chancellor.

70. Are these licenses renewable annually?—I believe annually; at all events periodically. After the day was appointed for granting these licenses, an event took place which caused an election for Cambridge; the Vice-Chancellor then altered the day for licensing lodging-houses, and appointed a day subsequent to the election.

71. Would the day originally fixed upon have interfered with the proceedings at the election?—If I recollect right, the day originally fixed was the Thursday in the week, and the nomination took place on the following Monday or Tuesday, and it would not have interfered. The day was postponed by the Vice-Chancellor to the day subsequent to the election; no cause was assigned why it was deferred.

72. Do you remember the day it was postponed to?—I do not.

73. Was the day shortly after the election?—I believe within a week or ten days after the election.

74–5. Do you know of any instance in which you believe the license was withdrawn in consequence of the particular manner in which the lodging-house keeper had given his vote?—I know an instance in which I think it was withdrawn because the voter had voted in a particular way. That voter was sent for by the Vice-Chancellor before any election was contemplated, and the Vice-Chancellor then

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then told him, that in consequence of his having employed myself to apply to a young man, a bachelor of arts, for money due to him for lodgings, he should consider about the propriety of withholding his license. I would state, that with regard to the part I took in it, my clerk was applied to, and he wrote a letter in the common way, requesting payment of the money. No process was served upon him; no proceedings were taken against him; and by the direction of the Vice-Chancellor, he came to my office and paid the money, thus acknowledging the justness of the debt. After the Vice-Chancellor had called this voter before him, the election was appointed, and the day for the licensing was postponed; he then sent either his butler or the marshal to the voter, and requested that he would vote in a given way. The voter said he could not; he had promised his vote; and as he had promised, so he would vote; and so he did vote. He afterwards applied to the college of St. John's (who had before given him a certificate), but who then refused it. He then applied to Trinity College, who granted the certificate, signed by the master and Mr. Musgrave; and with that he applied for a license: the Vice-Chancellor positively refused it, and from that period to the present he has not had one.

76. Was any reason alleged at the time for the refusal?—The same reason was alleged, that he had employed me to write to a young man *in statu pupillaris* for money.

77. Does that interfere with the Vice-Chancellor's authority?—I have all the printed regulations, in which nothing of that kind is said. I have frequently had occasion to write to young men for money, and never had any objection made by the University authorities to my doing so.

78. I think you said the gentleman was a bachelor of arts; are you quite sure he was a bachelor of arts, and not a student for his degree?—He was a bachelor of arts, I am almost confident.

79. Is it a part of the regulations of the Vice-Chancellor's Court, that money due from members of the University should be sued for in that court?—I believe where actions are brought in the Superior Courts, they may claim cognizance, and have it removed into that court.

80. Is it the practice?—I have never known it done in any instance.

81. Do you know what time previously the lodging-house keeper had a license?—For three or four years.

82. Do you know of any person who was sued as a member of the University for money due in the Vice-Chancellor's Court?—I think I know but one instance of any proceedings being taken in the Vice-Chancellor's Court, and that was in the case of an assault; the Vice-Chancellor claimed the privilege, and it was brought into that court.

83. How long ago was that?—Eight or ten years, I think; perhaps more.

84. Then in the last ten years you do not know a single case of any tradesman suing a member of the University for money due in the Vice-Chancellor's Court?—I know of no instance whatever; I know of no instance at all of suing for money there.

85. Can you state what number of voters have been allowed licenses as lodging-house keepers?—I should think from two to three hundred.

86. Are you able to state what proportion of the two or three hundred voted according to the views of the Vice-Chancellor?—I cannot.

87. Could you by an examination of the poll-books?—I think I could ascertain that.

88. Then be so good as to do so. The instance you have mentioned is the only one in your knowledge in which the license has been refused upon this occasion?—The only one within my knowledge.

89. Is the Vice-Chancellor also one of the magistrates who licenses public-houses within the precincts of the borough?—No license can be granted but by the Vice-Chancellor.

90. Was any influence exercised over the publicans?—No further than that the Vice-Chancellor's butler was sent round to them, to state that he had desired him to call upon them, and request their votes for a particular candidate; that he did that by the direction of the Vice-Chancellor.

91. Had that request, in your opinion, much influence over the manner they exercised their votes?—I have no doubt it had some; I am assured that persons in expectation of a license voted in consequence of that expectation.

92. Have

92. Have the tutors of the colleges much influence over the tradesmen?—The tutors of the colleges have considerable influence.

93. In what way?—I will state one fact: at the last election 107 college servants voted; 70 voted plumpers for one candidate, Mr. Knight; 32 voted for Mr. Rice and Mr. Pryme; and there were 5 split votes between the two parties.

94. Can you state any instance of intimidation exercised by college tutors to influence voters; the class of voters I allude to are the 107 college servants?—My opinion would rather go to tradesmen. With regard to the college servants, I have been told many have stated they wished they could vote the other way.

95. Have the college tutors the power of exercising an influence over the tradesmen in the town?—A very considerable power.

96. In what way?—There are a certain number of tradesmen in the town whose bills are charged to the tutors: they are put in the college bills, and paid by the guardians or parents of the young men. When a young man comes up to college, a gyp is sent round with him to various tradesmen, and the student is recommended to employ them. If the tutors of the college should refuse to take in the bills of the tradesman, it obviously deprives him of a great deal of business.

97. Or they can pay their bills a little sooner or later?—Yes, they may inconvenience them certainly in that way, and it may have an influence upon them.

98. Do you believe any improper influence is exercised by the college tutors over tradesmen?—I do.

99. Can you give an instance?—Yes, I will give an instance in which a tailor was sent for by the tutor of a college at the first election in 1832.

100. Could you, if required, give the name of the tutor and the college, and of the tradesman?—Certainly I could, if required. The circumstances were these: the voter was sent for by the tutor of the college, and required to vote for one of the three candidates. He stated he had promised his vote to the other candidates, and it was impossible. The tutor said, "If you are not with me, you are against me, and you must take the consequences." The man ultimately agreed to give one vote to one of the candidates whom he promised to vote for, and the other according to the tutor's wishes. On the day of the election the tutor twice sent to the man to state that he was waiting at the hustings to see him poll, and the man at last went with the tutor to poll, and he gave one vote for the tutor's friend and one for the other candidate, and the expression he used to me was, that when he left the hustings he felt that every one was pointing the finger of scorn at him for having deviated from his principles, or something to that effect. From that time to the present he has never received any order from the college. His bills are not taken in, nor has he received any order from the college.

101. In that case there was a threat before voting, and punishment after voting?—Yes.

102. Have you any other instance?—Yes, there is another instance with respect to a shoemaker, whose bills were taken in; I can mention the name of the college and the name of the voter if necessary. He has voted uniformly for one party, the liberal party at Cambridge. Since the last election he was sent for by the tutor of a college, who produced a bill of his against a young man, amounting to 3*l.* or 4*l.*, and who remarked, "There is one pair of shoes charged for here when the young man was not at Cambridge:" the voter said yes, he had sent, by the order of the young man, a pair of shoes to his residence in the country, and that was the pair he charged for. The tutor said, "That is against my order, and I shall no longer take in your bills." He does not take in the bills.

103. Is the practice of furnishing articles to young men not at Cambridge against the order?—I am not aware of any such order. There is another case with regard to the same voter and the tutor of another college. He sent for the voter, and he stated to him he understood he had voted in a particular way, having promised to vote in another way, and he should not take in his bills. The voter inquired who gave him that information, and begged to know the authority on which the tutor made the charge. The tutor mentioned the name of the person who had told him (and whose name I can repeat if necessary.) The voter called upon that person, and remonstrated with him, and was told by him that he thought he had voted so; but he refused to go to the tutor, and put him right on the subject. His bills are not now taken in by the college.

104. Was there in the last instance any allegation on the part of the tutor of improper conduct with regard to his dealing?—Not any. I could mention many

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instances. There is one more which I will give: a builder who had been in the habit of doing business for one of the colleges, was sent for immediately before the last election by the bursar of the college, who told him he was about to make alterations in the college, and consulted with him about the mode of its being done. He then said, "By the way, which way do you vote?" The voter answered, he voted for the liberal side; and being pressed to know whether he would not vote for the other side, and refusing to do so, the bursar said, "I will send for you when I want you again. I have changed my mind about the building." The result is, he has not been employed by the college again.

105. Have the buildings been executed?—No, nor do I believe any were intended to be executed.

106. You have given instances of parties being excluded from employment in consequence of their votes; do you know of any instance of parties being taken into employment in consequence of their votes?—I can state no instance of that nature.

107. Besides tutors of colleges, do you know any individuals in the college threatening to withdraw their custom, and afterwards having executed their threats in consequence of the vote given?—Yes, I do know of an instance of a threat before voting, and I know of an instance of a withdrawal of custom after voting. I will state two instances by the Vice-Chancellor for the time being. The cases were these: two tradesmen, who are partners as booksellers, both voted in 1832 for the liberal candidates; before that period they had been uniformly employed, as I understand, by the Vice-Chancellor to furnish the stationery required by the University: after they had so voted I understand the custom of the Vice-Chancellor for the time being was withdrawn, and the subsequent Vice-Chancellors have not resorted again to those tradesmen: at the next election both parties refrained from voting at all, and at the last election they both voted for the Tory candidate.

108. Was any reason assigned in that case for the withdrawal of the custom?—Not the least reason.

109. Has the custom been since given to them?—I am not aware whether it has or not. With respect to those tradesmen, I will mention two colleges who had ordered their prize-books from them, but withdrew their custom also after the first vote. After the election in June 1834, two men employed in the University Press were discharged for alleged incompetence. One of those men has been restored; he did not vote at the last election, but he is known to entertain very strong political opinions.

110. When was he restored?—Very recently before the late election; and, as a proof of the capacity of the other, he has since been regularly employed in Messrs Hansard's printing office.

111. How did the man vote at the last election who was restored?—He did not vote at all.

112. Have you any other cases of individuals?—I will mention the case of an individual, the head of a college in the University; he sent his butler in June last to a voter (the voter being the college gardener), to require his vote. The man respectfully refused to promise his vote, and he was then sent for by the head of the college, who stated to him that he felt strongly upon the subject of the approaching election, and he would have no servant in his establishment who did not do as he himself thought fit.

113. Were you present at the conversation?—No, but I had it from the voter's own lips; and the voter is in London at the present moment, and can be produced. He did vote for Mr. Rice, and was discharged, and he is now employed in the Regent's Park.

114. Do you know of any instance of persons, not heads of colleges or tutors, withdrawing their custom from tradesmen, in consequence of their mode of voting?—Withdrawing employment from them. I will mention the case of an alderman of the corporation of Cambridge, who is a brewer, and had employed a man a great many years as his cooper; he is discharged since the election in June; he voted for the liberal party.

115. Had he previously applied to the party for his vote?—I cannot speak to that.

116. Did the alderman take an active part for either of the candidates?—Yes, for one of the candidates, but not for the candidate for whom the man voted. There was another instance which occurred at the last election, at which a voter was discharged, because he voted for the liberal party; he was discharged by his master

master within a week afterwards, upon the expressed ground that he had given a vote for the party to whom his master was opposed.

117. Was the servant discharged in consequence of his absenting himself from his master's business for the purpose of voting?—No; I think the expression was, "What do you mean by voting for a damned radical like him?" and he discharged him.

118. Are there any more instances?—I have known instances in which parties have stated they have suffered by the withdrawal of custom generally.

119. Are those instances, instances which have had the effect of making people vote contrary to their conscientious feelings?—I believe a great many voters vote contrary to their conscientious opinions, from an apprehension that the punishment which has been exercised upon some will be also exercised upon them, unless they vote in a particular way.

120. Has it the effect in any case of deterring persons entitled to vote from registering their votes?—I am aware of only one case in which a party has expressed an intention of not being registered.

121. Has it the effect of inducing registered voters not to vote at all?—Yes, in many instances; I have known persons to leave the town for the whole period of the election.

122. What number of unpolled voters were there at the last election?— I think 60 good votes.

123. Out of how many?—About 1,450.

124. Do you believe a large proportion of those 60 abstained from voting in consequence of their feeling it might be prejudicial to their interest if they mixed in political matters?—I believe some of them did.

125. If they voted on one particular side?—Yes; if they voted as they conscientiously wished to vote, it would interfere with their interest, and they therefore abstained from voting.

126. Has not a circular been signed by many members of the University, and sent round, condemning the practice of punishing voters?—Yes; this is the circular:—

Cambridge, 11th March 1835.

In consequence of a very general impression, that intimidation and persecution were employed by some members of the University at the late elections for this town, we, the undersigned resident members of the Senate, deem it our duty to make a public declaration of our sentiments on this subject.

We look upon the elective franchise as a sacred trust, for the conscientious discharge of which a man is deeply responsible; and every species of undue interference, directly or indirectly, with that trust, (such as threatening tradesmen with loss of business, or dismissing dependents for daring to judge and act in opposition to the political principles of their employers), is, in our opinion, a gross breach of public and private morality; being an attempt to constrain a man to do that which his conscience disapproves, by appealing to his fears and his interests.

We trust that every friend of religion and morality, to whatever party he may belong, will agree with us in condemning proceedings so discreditable; which, by their cruel and degrading operation, tend to destroy the independence, the welfare and the peace of mind, of very many of our fellow-countrymen.

M. Davy, D.D. Master of Caius.
J. Lamb, D.D. Master of Corpus Christi.
S. Lee, D.D. Trinity, Regius Professor of Hebrew.
H. J. H. Bond, M.D. Corpus Christi.
J. Cumming, M.A. Trinity, Professor of Chemistry.
A. Sedgwick, M.A. Fellow of Trinity, Woodwardian Professor.
T. Musgrave, M.A. Fellow of Trinity, Lord Almoner's Professor of Arabic.
J. S. Henslow, M.A. St. John's, Professor of Botany.
G. B. Airy, M.A. Trinity, Professor of Astronomy.
T. S. Hughes, B.D. Emmanuel.
J. Romilly, A.M. Fellow of Trinity, Registrary of the University.
G. A. Browne, M.A. Fellow of Trinity.
J. Bowstead, M.A. Fellow and Tutor of Corpus.
C. Thirlwall, M.A. Fellow of Trinity.
E. Serocold Pearce, M.A. Jesus.
Jos. Shaw, M.A. Fellow of Christ's.
G. W. Craufurd, M.A. Fellow of King's.
H. Gunning, M.A. Christ's.
H. Arlett, M.A. Fellow and Tutor of Pembroke.
H. Calthrop, M.A. Fellow and Bursar of Corpus.
T. B. Burcham, M.A. Fellow of Trinity.
C. C. Babington, M.A. St. John's.
S. W. Waud, M.A. Fellow and Tutor of Magdalene.
R. Dawes, M.A. Fellow and Tutor of Downing.
P. Blakiston, M.A. Emmanuel.
H. L. Jones, M.A. Fellow of Magdalene.
C. Lofft, M.A. Fellow of King's.
J. Croft, M.A. Fellow of Christ's.
R. W. Rothman, M.A. Fellow of Trinity.
J. Saunders, M.A. Fellow of Sidney.
J. N. Peill, M.A. Fellow and Dean of Queen's.
W. D. Rangeley, M.A. Fellow of Queen's.

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J. Hind, M.A. late Fellow and Tutor of Sidney.
St. John Lucas, M.A. Downing.
George Thackeray, M.A. Fellow of King's.
L. W. Sampson, M.A. Fellow of King's.
G. Craufurd Heath, M.A. Fellow of King's.
R. Sheepshanks, M.A. Fellow of Trinity.
H. Battiscombe, M.A. Fellow of King's.
James Packe, M.A. Fellow of King's.
J. Heaviside, M.A. Fellow and Tutor of Sidney.
A. Thurtell, M.A. Fellow of Caius.
R. Murphy, M.A. Fellow of Caius.
J. Tinkler, M.A. Fellow of Corpus.
A. Fitch, M.A. Christ's.
B. D. Walsh, M.A. Fellow of Trinity.
J. Mills, M.A. Fellow of Pembroke.
G. Leapingwell, M.A. Corpus.
R. Pashley, M.A. Fellow of Trinity.
J. Kemble, M.A. Trinity.
J. L. Cameron, M.A, Trinity.

127. What effect do you anticipate from that circular; do you think it will be operative at the next election to prevent the intimidation you speak of?—I think to a given extent it might; I do not think it will effectually; I think there is but one mode at Cambridge that will.

128. What is that mode?—The ballot. I think nothing but the ballot will have the effect. I am speaking against my former opinions; but, from what I have seen, I am satisfied that nothing but the ballot will protect the timid and dependent voter.

129. Would it be possible, by any law which you can devise, to prevent an employer from withdrawing his custom from the tradesman, when he assigns no reason for it?—I should have no more right to interfere with the tradesman for not employing his labourer, than the tradesman has to interfere with the labourer.

130. Suppose, in that case you have alluded to, that the tutors or the heads of houses had not been incautious in their threats to the parties, or had not assigned as a reason for withdrawing the employment or custom was in consequence of the vote which the voter had given, in what manner would it be possible to render those parties amenable either to censure or to any law for the purpose of preventing such interference?—I think it would be extremely difficult, if not impossible, to meet the case.

131. If they assign no reason?—Yes.

132. You think the ballot is the only mode to reach such cases?—I conceive so. I think the moral effect of a declaration of this kind may go a certain way.

133. Do you think the effect of the circular may cause the intimidation to be used in a more secret way?—If it has any effect. It may, to a certain extent, prevent intimidation being used. Where intimidation is used, it will cause greater secresy in the mode of exercising it.

134. Will it have the effect of producing such confidence in the minds of the tradesmen of Cambridge, in their mode of acting at any future election, as to make them pursue an independent course, regardless of the consequences with which they think they may be visited?—In some instances it may, but the remedy will not be so extensive as the mischief.

135. Then the force of public opinion will not alone be sufficient to prevent the evil complained of?—I feel confident that it will not.

136. Do you think the ballot would be a complete remedy, adequate to meet the mischief?—I think the ballot would.

137. Do you think it would prevent canvassing on the part of the heads of houses and tutors, and persons possessing the influence you have spoken of?—It would prevent this canvassing being effective.

138. What do you mean by effective?—I think the parties to whom they applied would vote as their principles would suggest rather than as they would wish; there is certainly this moral objection, that the voter would break his promise to the persons who canvassed him.

139. It might induce the parties who now canvass, too, to abstain from being so urgent as they are at present?—No doubt it would.

140. It would prevent the canvass, too, to a certain extent?—It might to a certain extent, but I think nothing would prevent canvassing altogether.

141. Respecting the case you have mentioned as to the head of a house sending for his gardener, and requiring his vote for a particular candidate, what would be the consequence under the ballot of the gardener refusing his vote to his master's invitation?—I think the same; the master would have discharged the gardener.

142. Then the ballot in that case would not be completely co-extensive with the mischief?—I think in all cases where the persons are regardless of consequences, where they make up their minds to take the consequences, they will always vote according

according to principle; you could not prevent a punishment if the party is wicked enough to inflict it.

143. I am not speaking of a declaration on the part of the servant that he will vote according to principle, but refusing to give an answer as to voting for a particular candidate?—Then he would probably consider that the man would vote against his wish.

144. Allow me to ask whether at Cambridge there were many persons who, contrary to their wishes, were desired to act as committee-men for the candidates previous to their election?—I am not aware of any instance in which parties, contrary to their wishes, were desired to take an active part for a party beyond voting.

145. Were they required in any case to go round with other persons, contrary to their wishes, and canvass for the votes of others?—I am not aware of any such case.

146. When a tradesman refuses to act as a political partisan, or a supporter of any one of the candidates, do you think in such a case of such a tradesman refusing to act as a political partisan that the ballot would act as a defence to that person?—Supposing the party were required to take a political part, and refused, the ballot would not protect him.

147. Would the ballot protect a voter in this case; supposing his political opinions well known, and any person having an influence over him were to say, "If you give a vote, I will cease to employ you, or take away my custom from you;" would the ballot in that case protect the voter?—I am hardly acquainted with the mode in which the ballot would be conducted, whether the names of the persons would be known afterwards.

148. It is obvious that you cannot prevent the knowledge that a party went up to poll?—I think in a case like that the ballot would not be a defence to the party.

149. Would the party be in a worse situation than he is at present?—Clearly not.

150. If a man chooses to let his opinions be well known, the party would stand in as good a position under the ballot as he does now?—I think most of the parties who voted under the ballot would sooner or later let their votes be known; I am convinced that the majority of voters are not under influence.

151. Do you think it would be of much consequence to the tradesmen, that if the way the votes were given was not known till after the lapse of some time, when political excitement had ceased, as in cases under the system when the mode they give their votes inquiries are made by other people?—I think not; because I know men of kind dispositions who have acted in the excitement of political feeling in a manner I am sure they would not afterwards adopt.

152. Have you observed great reluctance on the part of voters subject to the influence you have referred to, to what they call pledging themselves?—I have canvassed very little.

153. In the paper you gave in, I see a great many names; can you state generally that those parties were influenced in one way or the other?—Yes; in addition to the specific cases I have referred to, I could state to the Committee other cases, if called on to do so, in which the same kind of influence has been exercised. I have a list of 36 voters who have been compelled either to vote against conscience, or not to vote at all, or have been punished for voting in a particular way; it includes those I have before mentioned. I can mention a circumstance to show the manner in which, in my opinion, even-handed justice is not dealt out at elections.

154. You have spoken of the influence exercised over voters by persons in the situation of heads of houses and tutors of colleges; do you know of intimidation arising from any other source from the populace; has not the fear of the populace had an influence over the lower class of tradesmen, such as hucksters and shopkeepers?—I should think not, certainly.

155. Would publicans be fearful of losing their customers if they were known to vote in favour of the unpopular candidate?—I think not.

156. Is there any intimidation arising from the popular feeling in consequence of a person voting in favour of the unpopular candidate; and does he not incur any risk of injury to his person or property, by having his windows broken?—No, I think I can state the converse of that. One of the candidates at the election at Cambridge in June last had in his employment a considerable number of bullies, who were paid to conduct and protect the flags, and who were in the habit, after the election in the evening, of proceeding with torches and music round the town,

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and have broken and done much mischief to the windows and houses of the partisans of the liberal candidates.

157. Were parties well protected to the poll against popular violence?—Yes; there was no violence, except on the part of the hired men.

158. I am referring to the three last elections; has there been any popular intimidation arising from the feeling of the lower class of inhabitants?—Certainly not; circumstances have changed since the Reform Bill. I recollect the time when the two members were returned at Cambridge by a very limited number of voters, and the populace in the evening have done considerable damage to the houses where the committee sat; but at the three last elections, I have known no violence, except on the part of the men hired by one committee, led on by young partisans.

159. If popular intimidation were exercised, do you not conceive the ballot would be an equal protection against that species of intimidation?—If popular influence was exercised over the minds of the voters, I think it would.

160. Referring to the case of hired men, do you mean that those individual acts of violence were committed on the property of the persons who previously voted for the popular candidates?—Yes, I will mention an instance. After the election in June, the chairman of Mr. Rice's committee had his house considerably damaged.

161. Would the ballot be a protection to the house of a chairman of a committee of a particular candidate against the acts of hired men?—I conceive not; my remark applied not so much to the chairman of the committee as the general acts of violence. I have stated generally that intimidation, from popular feeling, did not exist at Cambridge; if it did, I think the ballot is as strong a protection against that as against every other species of intimidation.

162. I wish to know whether the attacks of the men whom you describe as hired men, is not directed to the existing politics of the candidate rather than as against the individual who votes in a particular way?—One attack I mentioned was directed against the house where the electors were in the habit of meeting; and I have known my father, who is a strong political partisan, to have had stones thrown at him in the street.

163. Have you known acts of violence committed during the election previous to the vote being actually given by the individual whose property has been injured?—Yes, I think on the day of nomination, or the day of the polling; I could not with certainty say on what day it was.

164. Is there not a sufficient civil force in the town of Cambridge to repress attacks made by hired bullies?—No, I think the police of Cambridge is as bad as it can be.

165. You have never known any thing like a riot to amount to an intimidation, to prevent voters coming up to poll?—No.

166. Do you believe acts of intimidation have been exercised by both parties?—I have no doubt intimidation has been exercised on both sides, but I believe to a very limited extent indeed by the liberal side; I have heard one individual declare that his tenants should vote on the liberal side. At St. John's college only one of the college servants voted for the liberal party at any of the elections; next to Trinity, it is the largest college in the University; the feeling of all the tutors of that college are decidedly opposed to the liberal interest at Cambridge. At Trinity, where the tutors and fellows of the college wished it to be understood, and made it understood among the servants, that they were at liberty to vote as their principles might suggest to them, a considerable majority of such voters voted in favour of the liberal candidates.

167. Are you aware of any inconvenience since sustained by the one individual servant of St. John's for the vote he gave?—I understand he has lost masters in the college.

168. Is there any influence exercised over the tenants of any of the colleges in Cambridge?—I know one instance in which an implied threat was made, but not executed, by a master of a college.

169. What was it?—In June, the master of a college sent up to a voter who was a tenant of the college, requiring him to vote for a certain candidate; the voter said he should not vote at all. The master sent another message, and desired him to make up his mind in half an hour. The man returned for answer that he had made up his mind, and should not vote; and he did not vote. No evil has resulted from that at present.

170. Were

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170. Were any licenses from publicans withdrawn in consequence of their votes?—No; but some were granted.

171. Were any promises held out before the election to the parties asking for licenses for public-houses, that their licenses should be granted?—I think no specified promise, but expectation of it.

172. Do you believe any licenses were granted as a recompense to the voters for having voted in a particular way?—I do believe so.

173. State the grounds of your belief?—There is a case of one individual, who expressly stated that if he voted for one particular party, he expected to get a spirit license.

174. Was the party to whom he expressed his desire one of the magistrates?—No, he was one of the persons who was canvassing for one party; he said, "I cannot vote for you, because I expect a spirit license if I vote for the other party."

175. Do you know of any license being granted to any person who voted in opposition to the views of the magistrates?—No.

176. Can you state how many licensed victuallers voted in accordance with or contrary to the views of the Vice-Chancellor?—I cannot tell you.

177. Have any new licenses been granted since the last election, or the election in June?—Some persons who kept beer-houses have since received a spirit license.

178. Can you state, of those new licenses, how many voted in favour of the liberal candidates, and how many for the other candidate?—I know of only a few instances in which they voted against the liberal candidates.

179. Can you, by an examination of the poll-books, state what proportion of those who voted for the liberal and those who voted for the other candidate, received spirit licenses?—I will endeavour to ascertain.

180. Will you allow me to ask you what proportion you conceive of the 1,430 voters who voted at the last election for Cambridge, to have given their votes under improper influence?—I should consider, out of 688 who voted for one party at the last election, there would not have been, if we had had the ballot, more than 500 vote on that side.

181. Of the 36 cases of which you have a list, what proportion of those 36 cases were not influenced by intimidation, but gave their votes according to their consciences notwithstanding?—Very few; I should say about 11.

182. Then the rest were influenced to give their votes contrary to their consciences?—The rest were either influenced not to vote at all, or to give plumpers to the other party, or to divide with the party to whom in principle they were opposed.

183. You think there were about 188 voters over whom improper influence was exercised in various ways?—Yes; and I think if the ballot had been resorted to in Cambridge, the party would not have got more than 500 votes at the election.

Mr. *Ebenezer Foster*, called in; and Examined.

Mr. *Ebenezer Foster*

184. ARE you conversant with elections at Cambridge?—I am.

185. Have you any thing to add to the observations made by Mr. Gunning, relative to the subject of bribery at elections?—I have nothing but what would tend to confirm what Mr. Gunning has stated. In June, I knew one or two instances that were manifestly bribes on the part of a professed agent of one of the candidates, a person from London; and I went to a house at Barnwell, in Cambridge, on the second day of the election, and two persons who had previously promised us their votes on the first day, said at six o'clock in the morning of the second day, that they would not give us their votes; a person from London had been down with them the whole of the night previously, and had not left them till three o'clock in the morning; but I have no specific knowledge of any particular acts of bribery, though it was very general.

186. I believe you are a banker?—Yes.

187. You have no professional knowledge of the difficulties that may arise in obtaining convictions?—I have none.

188. On the subject of treating, have you any evidence to give to the Committee, and confine yourself to what is within your own knowledge?—The difficulty within my own knowledge is this, that I understand the law allows voters to be brought to vote at the poll at the expense of the candidate, and there is a great difficulty in the country villages at county elections in getting voters to come up to poll without having some refreshment before they start; and if those voters

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are taken to the house of any one of the committee, I have been told that the Act is not penal, and that it is nothing but common hospitality. As gentlemen must be aware that that is not always convenient, the practice has grown into a general habit of voters in villages being refreshed at public-houses by what is called a breakfast before they vote.

189. You are now speaking of county elections?—Mostly of county elections.

190. Have you a vote for the county of Cambridge?—Yes.

191. Were you on the committee at the last election for the county?—I was.

192. Are you aware that a declaration was drawn up by Mr. Childers relative to this subject of treating and conveyance of voters; have you seen the printed declaration?—I think there was one drawn up, but whether acted upon fully I have my doubts.

193. Have you any other observations to make upon the subject of treating?—It has occurred to me that it might be remedied by the sheriff's clerk giving money on the hustings to every poor voter who required it, under certain bounds, and that might have the means of preventing it. There are a number of poor voters that cannot come to a county election without having their expenses paid; and they are subject to a species of influence by the treating which takes place; and unless it was made more imperative that no treating should take place by making it a penal offence, and that the sheriff should provide for their accommodation; it would lessen the expense of elections, and tend to preserve the purity of the electors.

194. Who should pay the expense?—It should be equally paid by all the candidates, and they would pay much less than they do now.

195. You mean that it should form a part of the general expenses, to divide it among the candidates in the same way as the hustings and the necessary expenses?—Yes, to form part of the sheriff's charges. I think the charges would not be any thing like so heavy an expense as what they are now; and if it was received in public, and paid by the sheriff, I do not conceive but a very few voters would choose to claim it publicly; and I think it would reduce the expenses materially, and the poorer class of voters would have a refuge, which they do not now possess.

196. Do you conceive it would be proper to give this to all the voters, or confine it to the poor voters?—To all voters who claimed it at the hustings; the propriety of the claim to be investigated by the sheriff, and paid by the sheriff.

197. To be limited by Act of Parliament?—Yes, limited; it might be the subject of future regulation. Treating has grown into an abuse from mere hospitality to sensual indulgence, solely on account of the impossibility of poor electors to come up to poll at the hustings.

198. How would this prevent the possibility of persons giving refreshments to voters coming up to vote?—It should be made imperative that they should not give it.

199. Would you disfranchise a voter who has been a party bribed or treated, or in what way would you prevent the practice going on?—The subject has not so much engaged my attention; but I conceive that should be the subject itself of enactment, by which neither money or refreshment should be given to the voters but what the sheriff gave to the parties.

200. How can you prevent a political partisan from giving a breakfast to voters at the village at starting, relying upon the honor of the candidate afterwards to repay him?—I think the provisions in the Act respecting bribery, if it fell heavy, would have the most beneficial effect; every voter or elector in the village would take judgment upon his neighbour's conduct. If I understand the Act respecting bribery, any person who brings an action on clear and distinct evidence, receives the whole amount of the penalty.

201. How would you prevent a political partisan from giving a breakfast?—He would be subject to an action from every elector.

202. Supposing a landlord gives his tenants a breakfast previous to coming up to poll, how can you prevent that practice from being carried on?—It is difficult to distinguish between common hospitality and partisanship at an election, treating by partisans.

203. Do you think the necessary expense being provided for in the way you have suggested, there is any objection to disqualify voters who on the day of voting partake of any public entertainment from whatever quarter?—I really conceive not; and I think always the class who accept this kind of refreshment are a class whose principles are loose, and that they may be bought by a bribe, as well as treating. I have positive knowledge that at the last election for the county of

Cambridge,

Cambridge, many village voters were turned by half a sovereign and a sovereign being put into their hands.

204. Suppose a village squire chooses to give a breakfast to voters who will go and vote in a particular interest, is that the sort of treating you would endeavour to prevent?—I cannot help thinking that it is a public abuse, if the object is very clear and defined I cannot see the distinction between giving a breakfast at my house, having a large and convenient house for the entertaining of voters, and another person, not having that convenience, having a house of entertainment opened for that purpose at his expense, if the object is very clear to carry up votes.

205. Is there any thing else occurs to you on the subject of treating in counties or boroughs?—No, not at all.

206. Must you not carry it to this extent, that, suppose two or three voters breakfast together, and one of the three pays the expenses of the breakfast on the day of election?—The *animus* must be proved.

207. Have you observed a great reluctance on the part of voters subject to the influence which has been referred to, to what they call pledging themselves?—I have found a manifest reluctance on the part of many persons connected with the colleges to give any promise of their votes; and when inclined to vote for the liberal candidates, the major portions of the colleges are not inclined to support the liberal candidates.

208. You have observed a reluctance in their pledging themselves previous to an election?—Yes; and in the year 1832 there was a manifest reluctance on the part of a great proportion of them, who promised to vote for the liberal candidates, to come up to vote.

209. Have you observed a great reluctance in saying for whom they will vote before the day of the poll, and not letting it be known beforehand whom they intend to vote for?—I have not distinguished generally as to the principle.

210. You say there is a reluctance to vote for the liberal candidates by persons belonging to the University?—Yes.

211. Have you any thing to add to the evidence given by Mr. Gunning relative to intimidation at elections?—I have one or two cases, if I may be allowed to divide the influence exercised by magistrates and official characters, and the influence exercised by private individuals. In the first division, I know of an instance of a person of great respectability in Cambridge, a banker in a small way, who at some time has thought proper to change his views as to his conduct at the last election from what it was in 1832. He was on Mr. Rice's committee in 1832, and he has since had the privilege of opening a fresh liquor-shop. The person who sells liquor obtains a spirit license from the Vice-Chancellor, and he has opened a second liquor-shop, which is found to be of great advantage to his business.

212. Had he any other business besides a banker?—A former liquor-shop he had, and now he has opened a second. The person who opened the liquor-shop as tenant, and his two servants, were in the constant habit of voting for the liberal candidate. They now vote on the other side of the question, and my firm belief is, that he had been influenced in his alteration of his views by the fresh license he has received from the magistrates. I think I am correct in stating that the Vice-Chancellor has taken the business, to which he may appoint, from a stone-mason, who has constantly been a liberal man, and voted for the liberal candidates till the last election; and he then gave it to a friend of the Tory candidate's side, and he gave no reason for the change on application.

213. Before he gave the vote, had he made application to the party?—None whatever. When the business changed, the original party that was employed applied to the Vice-Chancellor, and there was no answer given to him but that the Vice-Chancellor might employ whom he pleased.

214. When did the change take place?—Between 1833 and 1834; it took place in the early part of 1834.

215. Not till 12 months after the election of 1832?—No; it was in the early part of the year 1834 that he lost the business; the consequence has been, that the person who was employed as stone-mason originally, would not give his vote at the last election.

216. Did he give that as the reason to you?—He gave that as the reason to me; he neither promised his vote or gave his vote.

217. Do you know of any other fact?—I know of no fact connected with the magistrates or official characters at Cambridge, though it is generally known influence is exercised contrary to the liberal candidates; I have individual facts a great

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great many; I only wish to mention them generally. I know that many individuals who are tutors at the colleges consider that they have a right to exercise the same species of influence which they should do as private individuals; they regard their colleges as households.

218. Have the officers of the University, the Vice-Chancellor, the heads of houses and the tutors, votes for the houses they occupy?—No, they are expressly excluded by the words of the Reform Act itself. I have heard some express themselves in this manner: "You wish your own family and friends and servants to vote as you wish, and why should not we, as tutors of the colleges, wish our college servants to vote as we wish."

219. Have you any doubt such influence is exercised?—Not the slightest; it is exercised undoubtedly over a great portion of the servants of the University.

220. Do you believe there are not only threats, but punishment afterwards?—I am certain of it, in various ways. I have two voters in my mind who voted contrary to their principles because their wives were bed-makers in certain colleges.

221. Did you not say you canvassed the voters at Cambridge?—Generally.

222. From their conversation with you, do you think they stood much in awe of that kind of influence?—Indisputably so; and I know various voters who stated to me they voted contrary to their principles, because they should lose their business if they did otherwise.

223. Do you know of any persons who had the qualification, not registering, lest they should be compelled to vote against their consciences?—No.

224. Do you know of any registered voters who did not vote at all because they were afraid if they did they would be compelled to vote against their consciences?—At the election in 1832 I had a private list, as one of Mr. Rice's committee, of 60 or 70 names, who had expressed their wishes and feelings not to be called upon to record their votes unless they were absolutely wanted: if we were straitened for votes, they told me, on the last day that they would come up and give their votes; but it would be so much injury to them, that they hoped they should not be called upon to do so, and they were not called upon.

225. Have you any other facts to state?—I believe there is a great deal of individual intimidation as well as intimidation by the colleges.

226. Exercised by one individual on another individual, by withdrawing custom, or threats of withdrawing custom?—I have several cases under my own knowledge. I know one voter who occupied a public-house of my brother's, and promised to vote to myself, for the two liberal candidates; his master, who was on the other side, told him he should immediately leave his situation if he did not vote for the Tory candidates: he called upon me, and said he must do so, and he did do so. I asked him whether, as we had given him a vote by putting him in a house of 14 *l.* instead of a house of 6*l.* whether he had not some apprehension we should turn him out of the house: he said we should not; "that is not the way your side acts."

227. Do you believe that acts of intimidation have been exercised by both parties?—I really believe that the cases of intimidation on the part of the Tory side have been as 100 to one to what they are on the other side.

228. What remedy suggests itself to you for the evil?—That is a difficult question; I really believe the ballot would be but a delusive remedy.

229. Why delusive?—It would have the advantage certainly of giving no surety to promises on the part of the voters, and by that means might in some measure prevent intimidation; but from what I have seen of the nature of the ballot, I believe that voters would almost all be unfaithful in their engagements; they would flatter the canvasser without performing their promise.

230. What do you allude to?—I allude to what I hear them state.

231. Have you witnessed the effect of the ballot in any case?—I have in a county election in a most important case, but not the case of Members of Parliament. In a village in Cambridgeshire, where there was an active agent or partisan on one side, there was an election for a surgeon; it was taken up as strong in point of partisanship as an election for Members, and one of the parties had promises out of 66 voters, householders who could vote, I think of near 60, and when the election took place the other side had 55, and he had only eight.

232. Have you any objection to name the village?—It was the village of Soham, in Cambridgeshire.

233. Are parish elections in those cases always conducted by way of ballot?—No, it was rather an artful suggestion of a friend of one of the parties.

234. The

234. The fact was in that case that the parties did not vote according to their promises?—That was the fact.

235. Was it known who the eight were and who the 55 were?—It must have been well known.

236. Was it known?—I cannot exactly state; but when I represent that 55 persons voted one way, and only five or six voted the other, you must see that a great proportion of them were persons that broke their promises.

237. Were they parishioners who voted in that case?—Yes.

238. For the parish surgeon?—Yes.

239. Do you know any thing of the previous canvass that took place for the office of surgeon?—A most influential person had canvassed the parties, and had the promises of the voters for his own friend.

240. And the 60 promises were obtained in consequence of that?—Yes.

241. When these promises were obtained, had the arrangement taken place that the election should be by ballot, did they know that they were to give their votes by ballot?—No, they expected when they gave their promises they should give their votes publicly; and on the eve of the election, one of the friends of the party who had the fewest promised votes, suggested that it would be advisable to have it done by ballot, in the same manner as they do for members in the clubs at a public-house.

242. Did he give any reason for it?—None, but that they were in the habit of electing members to the book clubs by ballot; the election took place, and there was this change.

243. Did those supposed to be promise-breakers suffer in consequence of the votes given in that case?—I cannot say; it was not a matter of great moment.

244. What was the inducement when they came to vote, for their voting for the other candidate?—Because the candidate that did come in was the most eligible.

245. Can you imagine any law which you can make against threatening parties for voting in a certain way, or punishing voters who should vote in a certain way; what do you think will reach the case of political partisans withdrawing their custom from particular tradesmen, or turning their tenants out of possession, without interfering with the rights of private property?—I doubt whether you can have any law for that purpose; I conceive there can be no legal enactment whatever that can meet such a case.

246. Looking at the public benefit of obtaining a free exercise of the right of voting by electors, admitting, for the sake of the argument, on the other hand, there may be certain inconveniences attending the voting by ballot, balancing the benefit against the inconvenience, on the whole, do you consider the ballot favourable or otherwise?—My objection to the ballot is this, that it destroys the manly character of Englishmen; an individual has no more right to require secresy for his vote at the hustings than we have to give evidence in courts of justice; and why should we adopt a different mode in giving the one than in giving the other.

247. Do you believe that, in spite of all the laws you can make against intimidation in this manner, by withholding custom, or by the relation between the customer and the tradesman, or the relation that subsists between the landlord and tenant, that intimidation will prevail to a great extent, so long as the mode of voting is open, and not secret?—Intimidation presupposes influence of some kind or other; perhaps some degree of influence is legitimate and fair.

248. Do you think intimidation a legitimate form of influence?—It cannot be regarded as such, if it makes a man vote contrary to his conscience.

249. You believe intimidation will exist so long as the mode of voting is open, in spite of all the law can make against it?—I think it will be very difficult to frame a law that will prevent the operation of fear on the minds of weak characters.

250. Then you believe, admitting as you do the illegality of intimidation, that evils will result from intimidation in the way of preventing men from voting according to their consciences; do you believe that the good which results from open voting would predominate over the evil that results from open voting?—I really conceive that it would; that the benefit of open voting is more predominant than the evil.

251. So that the evil that you conceive will result from a system of secretly voting, is that which you have mentioned, the man promising one way and voting another?—I would speak with great deference; but I cannot conceive why electors should wish to see how their representatives vote in Parliament, if their own votes are to be cloaked at the poll.

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252. Do you not think, in case of secret voting, the parties interested at present in obtaining promises would desist in a great measure from exacting those promises —I think probably they might, because there would be no certainty of the promise being fulfilled.

253. Do you think it would also operate in a great degree in preventing bribery, since the party never could be sure that he would obtain the consideration for which the bribe was given?—I doubt whether some mode would not be found by which bribers could exercise an influence even in secret voting.

254. You do not think that the ballot would be without its advantages; but do you think the advantages would be counter-balanced by the sacrifice of the moral principle, which in your opinion is involved in the breach of faith which it would induce?—I think it would not be compensated.

255. Is there not a great breach of moral principle in the mind of voters in being compelled, as it were, to vote against their conscience?—It is a painful situation, but they throw the onus perhaps from their own shoulders, in some measure, upon the persons who compelled them so to vote.

256. Then there is a double sin committed, one on the part of the voter, and the other on the part of the man who compels him to vote against his conscience?—There is.

257. So that, looking at the degree of moral sin, both in the case of open voting and in that of secret voting, in order to ascertain the good and evil, you will have to balance the moral iniquity in the one case against the moral iniquity in the other?—I think a man's voting in public contrary to his own conscience, causes such a degradation of character to himself, that it is the strongest preventive against improper conduct; in secret voting you have no preservative of good feeling, and no preventive of immoral conduct.

258. What portion of the 1,430 voters who voted at the Cambridge election, do you conceive to have given their votes under improper influence, whether arising from promises or threats, from rewards or punishments?—It would be a difficult case to state; I do not think I could state it with any thing like accuracy.

259. Was it a considerable proportion?—I think personal friendship had great weight.

260. Do you believe that if the voting was by way of ballot at Cambridge, that the conservative candidate would have had more than 500 votes?—I should think it is very possible not.

261. With regard to the observation you made, that a security was given, do you mean to say that the electors should be responsible to the non-electors for the mode in which they give their votes?—I do not exactly state that; but I conceive that a man in coming forward to give his vote in public, feels that he has the eye of the public upon him, and there is a degree of degradation attached to his character when he conceives he votes contrary to his principles, and that fine tone of moral feeling cannot be preserved by secret voting.

262. Suppose a majority of the voters in a borough like Cambridge to be honest voters, and the parties are nearly balanced, and a small minority capable of being acted on by sinister influence, does not the result of the election very much turn on the sinister influence practised on the small number of voters?—Assuredly.

263. Suppose good motives actuated by far the greater majority of voters, whether they voted on the one side or the other, yet if you allow bribery or intimidation to act upon a small proportion of voters, the election may turn on the sinister influence practised upon that small number?—I am aware it might.

264. And that feeling of degradation which you speak of as acting upon the mass of the majority of voters, would perhaps not be strong enough to resist sinister influence on the part of this small corrupt minority?—Decidedly.

265. Then in considering any measure for the purpose of preserving the purity of elections in giving votes, is it not necessary to consider the various motives that act on the most corrupt portion of the community, and to endeavour to guard against those motives?—I believe there can be no mode of preventing this, whether by secret election or not, but what would have its disadvantages; I am afraid that persons would not vote according to pure principle in secret voting; there would be some mode by which they would be reached, and their votes appropriated to a corrupt cause; and I doubt whether that would compensate for the breaking down the fine tone of moral feeling by which English electors are ruled in giving their votes.

266. Do you think it produced a moral feeling, for instance, on the part of tradesmen

tradesmen in the town, to know that, however honest they may be in their dealings with tradesmen, or in all the relations of private life, that they may be punished and ruined in their circumstances because they exercised, in a manner disagreeable to certain individuals, that privilege, the exercise of which has been entrusted them by the community?—They receive present injury, but perhaps they gain future patronage from that.

267. Does this tend to encourage moral feeling; do you think that men who are made aware that if they exercise their votes conscientiously, that they are to be punished in this world for such exercise?—I regard voting at elections a public duty, in the same manner as I give my testimony in courts of justice, and I have no right to claim secresy in one any more than the other.

268. You are independent in circumstances; and if you were threatened, you would set that threat at defiance; but how would that apply to the poor voters at Cambridge?—Every person must give his honest evidence even in Ireland at the risk of his life, and is called upon to do it.

269. There are moral feelings against men who perjure themselves in English courts of justice; is there the sort of moral feelings against those who, either by promises or threats, induce men to vote against their conscience?—No.

270. There is not the same protection to the voter who gives his vote honestly, as there is to a man in a court of justice who gives his evidence honestly, public opinion being in favour of the witness who gives his testimony honestly, there not being the same force of public opinion to protect the voter who gives his vote honestly?—Certainly; there is not the same force of public opinion.

271. Do you not think there is a considerable degree of public opinion expressed in favour of a voter who, notwithstanding influence and intimidation, gives his vote openly and honestly?—Undoubtedly, there is a great degree of favour attends the man who votes honestly.

272. Do you think instances of that kind have a good effect upon the great body of electors subject to influence of this nature?—I believe it has a beneficial effect; they gain the approbation of the respectable classes of society on both sides.

273. Do you think it tends to raise the estimation in which the elective franchise is generally held?—I have not the slightest doubt it does.

274. Do you think it tends to impress upon the minds of other voters who wanted it, a sense of the duty they have to discharge in giving their votes?—I think it does.

275. Is there any considerable portion of the constituency of Cambridge who have no strong political opinions, and who, under any system of voting, would vote apart from principle?—There is a great proportion.

Jovis, 2° die Aprilis, 1835.

SIR GEORGE GREY, BARONET, IN THE CHAIR.

James King, called in; and Examined.

276. WERE you, in the course of last year, in the service of one of the heads of houses in the University of Cambridge?—Yes.

277. Were you previously to the election of 1834?—Yes, I was.

278. In what capacity were you?—A gardener.

279. Did any conversation take place between you and your master previous to the election, respecting the vote you were to give?—Yes.

280. State as correctly as you can what the conversation was that took place?—In the first instance, the President of Queen's College, who was my master, was then in London, and he sent a letter down requesting his private butler to call upon certain persons and request them to vote for Sir Edward Sugden. I am not quite sure whether he sent the letter to the butler or to Sir Edward Sugden's committee; and I was one of the persons that he was requested to call on.

281. Did he call upon you?—Yes.

282. Did he state by whose desire?—He came with the Vice-Chancellor's compliments to me, and said, if I had not promised my vote to Mr. Rice, he hoped I should vote for Sir Edward Sugden.

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283. What answer did you give?—I said I did not intend to vote for Sir Edward Sugden, and I could not do it, but that I had not promised to vote for Mr. Rice, and that it was very probable I should not, because at that time I did not think I should vote at all. He persuaded me very strongly to vote for Sir E. Sugden, and he reminded me what a gentlemanly kind of man Mr. King was, and as his servant I was in duty bound to vote for him. I still persisted in my determination not to vote for Sir Edward Sugden, and he then left me, and I think it was the next day he came again.

284. What did he say the next day?—He repeated the same question, and I gave back the same answer. On the third day he came twice.

285. What passed on the third day, when he came twice?—He came then requesting me not to vote for Mr. Rice, as I did not intend to vote for Sir Edward Sugden.

286. What answer did you give him?—I said I could not make a promise, and I begged him to give my duty to the Vice-Chancellor, and to state that I was very sorry to act in opposition to him; that I could not vote for Sir Edward Sugden, and I could not make a promise not to vote for Mr. Rice. There was nothing more transpired then till Saturday.

287. Was that the Saturday before the election?—Yes, it was; I was working in the garden, and when I went for orders in the morning I received notice that the Vice-Chancellor wished to speak to me. I went, in consequence of such message, but he was not within, and I went again in the evening and saw him.

288. What took place when you saw him in the evening?—I was on the landing waiting for him, and he called me into the dining-room; I followed him; he asked me if I had decided about giving my vote, and I told him I was very sorry, and I repeated what I had said to the butler, that I was very sorry to act in opposition to him, but that I could not vote for Sir Edward Sugden, and I could not make a promise not to vote for Mr. Rice. The Vice-Chancellor then made a few observations (which I never said any thing about before Mr. Spring Rice's committee), respecting the retirement of Sir James Graham and Lord Stanley, and expressed his astonishment that Mr. Spring Rice should accept a higher office, when such men as Sir James Graham and Lord Stanley had retired, and he made some slight observations about the church; he said he felt very strongly on the question, and he was determined not to keep a man upon the premises who differed from him.

289. Were you the college gardener or the private gardener?—The private gardener. He said he wished me to understand such was his determination, and I told him I was very sorry for it.

290. Did any other conversation pass between you and him?—I told him I considered it a public duty between God and my own conscience, and I could not act otherwise.

291. You say this was on the Saturday?—Yes, this was about eight o'clock on the Saturday evening previous to the election; that was the time the conversation took place. In going home I met some friends of mine, and I stated the conversation that had taken place, and that I expected to lose my situation; from that a report was spread abroad that I said I was discharged; and, in consequence of that report being spread, when I came from church in the morning I received a note from Mr. Skrine, an independent gentleman at Cambridge; I received either a note or a message from him (I forget which), to call upon him in the afternoon, and I did call at his house, and he said he had heard the report that I was dismissed, and he wished me to state the particulars.

292. Was Mr. Skrine on the committee of either of the candidates?—Yes, on Mr. Spring Rice's committee.

293. Did you state the particulars to him?—Yes, I did; and on Sunday evening about nine o'clock, I received a message to go down to Mr. Spring Rice's committee, and I went. They asked me if I should object to state the conversation that took place between my master and myself, and have it taken down in writing. I answered "No;" and accordingly I stated all the conversation that had taken place between my master and myself, and a gentleman wrote it down; and then after I got home, and was about going to bed, two gentlemen of Mr. Rice's committee came up to my house, and asked for my consent to have that statement published in a hand-bill. I would not consent to it at first; I said I did not see the necessity of it.

294. Was it afterwards published?—I said I did not see the necessity of it, but they pressed me very hard, and I said at all events I would not give an answer one way or other till the morning.

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295. In the morning did you consent to its being published?—In the morning they called upon me at eight o'clock, and I said "I know I have stated nothing but what is the truth, and they might do what they pleased with it." That was on the Monday morning; then in the course of the Monday morning the Vice-Chancellor sent a person to me to say he wanted to speak to me, and I went to him again. He said he had been out in the town, and had heard the report that I had said he had discharged me. I told him, if he would believe me, I would give him my word that I never made such a declaration. Then I told him what I had said to my friends in going home on the Saturday evening, and in the course of the morning those hand-bills were circulated in the town with my statement in them, and they were never attempted to be contradicted. I had no other interview with the Vice-Chancellor till the Friday or Saturday after the election; the Vice-Chancellor sent for me then again.

296. What took place then?—He then said, "James, I wish you to get another situation as soon as you can, but you may continue with me if you like till you get one; I do not wish to discharge you at once."

297. Had you in the mean time voted for either of the candidates?—I had voted for Mr. Rice.

298. Did any thing take place in that conversation about your quitting?—I stated I would rather he would fix a time for me to leave. I forgot to state that when I spoke of the conversation which took place in the dining-room.

299. Did you leave him in consequence?—Yes; the Saturday morning after the election he sent for me; he said he did not wish me to leave directly, till I got another place. I said I would be glad if he would fix a time for it, for I felt myself very uncomfortable on the premises. He said he could not do that; that was his answer. Then I appointed a time, and he assented to it. I said the 20th of June, which was about ten days following the time the conversation took place, and would be a month after the end of my last quarter. I said I would leave at that time, and he said "Very well, I shall not be at home, but John will settle with you."

300. And you left on the 20th?—Yes, I went away, but before I left, I went to him again to ask him if he would be kind enough to give a written character to me, but he objected to do that; he said that when any gentleman made application for my character, he should with pleasure, and without any hesitation give it; but he objected to give it to me.

301. Is that the whole of your statement?—I believe it is.

302. Did you remonstrate against your being dismissed upon the ground of your vote at the election?—Not at all.

303. You did not ask him to retain you in his service?—I did not.

304. Did you get another place afterwards speedily?—I held another situation at the time; I was gardener to the master of Christ College as well.

305. Was any application made by the person into whose employment you went afterwards to the Vice-Chancellor for a character?—Not in the situation I am in now, that I am aware of.

306. In what situation are you?—Inspector to the Commissioners for paving the Regent's Park, Regent-street and Whitehall.

307. Do I understand you to say that there was another situation which you held in the interval between your leaving the Vice-Chancellor and obtaining your present situation?—I held them both at the same time; I held the two places together till I obtained the one I am now in.

308. Has any application been made to the Vice-Chancellor for your character?—Not that I am aware of.

309. Had you the promise of any situation or employment before you voted?—None whatever.

310. Was there any expectation held out to you that you should be provided for in some way?—Not the slightest.

311. Are you a married man, with a family?—Yes, with two children.

312. How long were you in the service of Mr. King?—About one year and eight months.

313. Were you in the same situation to the former master?—Yes.

314. How long were you in the situation of gardener to the master of the college?—I went first in July 1821 to Dr. Godfrey.

315. Had you continued from July 1821 to June 1834?—Yes.

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316. Has Queen's College any garden besides that of the master?—Yes, a large garden.

317. Is there a gardener to it?—Yes, two.

318. Who appoints them?—I believe the fellows.

319. Did the master of Queen's give you to understand that you should retain your place if you voted for Sir Edward Sugden?—No.

320. He did not say so?—No, certainly not.

321. Did you consider that it was settled that you should leave before you voted?—I did consider so, if I voted at all.

322. You understood that your leaving the service of the Vice-Chancellor depended upon your voting at all?—If I voted for Mr. Rice, I fully understood I should leave.

323. If you did not vote at all, or voted for Sir Edward Sugden, did you understand that you were to leave?—I certainly should not have been discharged if I had voted for Sir Edward Sugden, and if I had remained neutral, I do not think I should have been discharged at that time.

324. Was the 20th of June, the period of your leaving, fixed before the time of your voting, or afterwards?—Afterwards, on the Saturday following my voting.

325. Was there any other person in the employment of the Vice-Chancellor within the college who had votes also, as well as you?—Not the private servants, the college servants had.

326. Do you recollect the substance of the contents of the hand-bill?—I have a newspaper containing the whole of it, with two or three verbal inaccuracies; it is as follows:

"Mr. King, President of Queen's College, Vice-Chancellor, and James King, his gardener.—The Statement of James King, as made by him in Mr. Spring Rice's committee room:—Committee: Mr. James King, are you gardener to Mr. King, the President of Queen's College and the present Vice-Chancellor of the University?—I am.——Are you a 10 *l.* householder?—I am.——Has any thing passed between the Vice-Chancellor and yourself concerning this election?—Yes.——Have the goodness to state what has passed?—The Vice-Chancellor sent John Massey, his butler, to me several times; I believe the first time was on Thursday last; I will not be positive as to the day. The first time, he came with the Vice-Chancellor's compliments, if I had not promised my vote to Mr. Rice, he wished me to promise it for Sir Edward Sugden. I stated in answer, that I did not intend to vote for Sir Edward, and that I would not make a promise to either party. The butler was sent to me again, requesting that I would promise not to vote for Mr. Rice. I then requested him to give my duty to the Vice-Chancellor, and that I was extremely sorry to act in opposition to him, but that I could not make that promise. This same message was repeated several times, three at the least. On Saturday morning I received intimation when I went to the lodge that the Vice-Chancellor wanted to speak to me; I went in the evening between seven and eight, I dare say it was eight, to speak to him; he asked me to go into the drawing-room with him; when we were there, he said he wished to know whether I had decided about making any promise as to my vote. I said I was very sorry to act in opposition to him, that I could not vote for Sir Edward, and I would not make a promise not to vote for Mr. Rice. He said he felt very strongly upon the question, and in consequence of my objecting to make that promise, he said he was determined not to keep a man upon the premises who differed from him, and that he wished me to understand that such was his determination. I said I was exceedingly sorry it should happen so, but I wished as he was determined I should leave that he would fix a time for me to leave. To this he made no answer.——Mr. King and you have been upon good terms?—Yes, the best; no man could behave kinder than he has done.——Your conduct does you infinite honour, and in the moral courage which you have shown on this occasion, the town is under great obligations to you.—I would do every thing else to oblige him. He is beloved by fellow students and servants; but I feel this to be a public duty between God and my conscience.

(signed) "*James King.*"

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327. You say you were also gardener to the master of Christ College?—Yes.

328. That situation you retained?—Yes, Sir.

329. Were his opinions different to those of the Vice-Chancellor, according to your estimation?—Yes.

330. With reference to the election?—Yes.

331. Did any thing pass between you and the master of Christ College with reference to your vote before you voted, or afterwards?—No, neither directly nor indirectly, till I was appointed to this situation; never till I received a notice to come to London respecting it.

332. How long was that after the election?—I think about a month; it must be rather more than a month.

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333. In consequence of whose recommendation did you obtain your present situation?—I cannot say in consequence of whose recommendation.

334. What passed between you and the master of Christ College at the time you are speaking of?—I received notice to come to London respecting the situation, and I went to the master of Christ College and said, "I suppose, Sir, you have heard what has taken place between the Vice-Chancellor and myself;" he said he had, and I asked him if he could spare me; I said "A situation was vacant in town, and I was sent for to come up, and I wished to know whether he would allow me to come;" he said, "Certainly."

335. Who sent for you to come to London?—Mr. Foster, a banker at Cambridge, came to me, and he said he had received a letter from Mr. Rice.

336. Did you go, in consequence of that letter, to London?—Yes.

337. And obtained your present situation?—Yes; I came to the Colonial Office to Mr. Rice, and he gave me a note to the Office of Woods.

338. You obtained your present situation from the Office of Woods?—Yes.

339. You hold it under them?—I do now.

340. What were the wages you received in your former situation at Cambridge, before the election?—Thirty-seven pounds a year as master's gardener of Christ, and 24*l.* a year as gardener of Queen's, and I was allowed to charge for extra time at Queen's College, so that I always charged one day in a week, sometimes more; that amounted to about 32*l.* a year, but I had to pay a man to assist me.

341. What did all the payments together amount to in a year clear, after paying the man?—About 69*l.* a year, out of which I had to pay a man. I was found beer at Christ College.

342. What is your present situation worth?—It is a guinea a week.

343. Any beer?—No, nothing; I have a coat and hat; I ought to have added, I was to have had 25*s.* a week, but I never received but a guinea, and I was to have received two suits of clothes, but I have only received one.

344. You find living in London more expensive than Cambridge?—Yes, I do; the change is considerably worse for me.

Mr. *James Florance*, called in; and Examined.

Mr. James Florance.

345. WHERE do you reside?—My office is in Parliament-street, Westminster. I reside at Fulham.

346. You are a solicitor, I believe?—Yes.

347. Have you been long in practice as a solicitor?—For nearly 20 years. I was admitted in February 1816.

348. In the course of your professional practice have you had much experience in the conduct of elections?—Very early I was engaged for Lord George Cavendish and for Sir Godfrey Webster.

349. In what election?—The Sussex election, about 16 or 17 years ago.

350. Have you had more recent experience than that?—Yes, within the last seven or eight years, in several county and borough elections.

351. In what county and borough elections?—In the county elections of Essex.

352. In what year?—From the year 1830 down to the present time.

353. Any other county election?—In no other county election since that time.

354. In what borough elections?—I was engaged in the Maldon election, at the last election but one; and for Westminster at the last.

355. Any other borough?—For Harwich, I was engaged for Mr. Fraser originally, and subsequently for other candidates there.

356. When was that?—Two or three years ago.

357. At the general election of 1832?—Yes.

358. Any other?—In every election since.

359. Have you been professionally engaged in those elections you have spoken of as the agent of either candidate?—I always was engaged as the agent of a candidate.

360. Has your attention been directed to the statutes relating to bribery at elections?—It has, inasmuch as I was the solicitor in conducting some very important actions for bribery under the Bribery Act about two years since, in reference to the borough of Warwick. I was the solicitor on the record.

361. Were those actions brought at the assizes for the county of Warwick?—They were.

362. Were they successful?—They were arranged by the penalties being agreed

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to on one count, and taken by consent; consequently I may say they were successful.

363. In conducting those cases did any difficulty occur in the particular statutes relating to bribery?—I think not with reference to the Bribery Act.

364. You are speaking of the 2d of Geo. II?—Yes, I think the evidence required is very clear and very accessible in general, the parties who are bribed being admissible as witnesses. The acceptance of the bribe goes merely to affect their credibility, and not their competency.

365. Do you think parties who are bribed are admissible as evidence under the 8th section of that Act?—I am not aware that the 8th section relates to witnesses at a trial.

366. In those cases in which the actions were brought at Warwick the offences were completed by the offer of the bribe on one side, and the acceptance on the other?—They were.

367. Has your attention ever been directed to another class of cases in which bribes have been offered, but not accepted?—It has not particularly, but I should have no hesitation in advising an action for that, inasmuch as I consider the offer to taint a voter constitutes the offence of bribery.

368. Under the statute or at common law?—At common law it is a misdemeanor.

369. Are you aware there is a dictum of Lord Mansfield distinctly stated upon that?—I recollect it.

370. Do you think the same facility is given of obtaining a conviction by information at common law for a misdemeanor as would exist under the Bribery Act, if it was an offence under that Act to offer a bribe?—There is even greater facility, as the parties that seek to prove the misdemeanor may be evidence for the Crown in such a prosecution.

371. Do you conceive it would be desirable to introduce into the Bribery Act an enactment making it an offence within the statute to offer a bribe, though the bribe should not be accepted?—I think not; I think the law would be held as clear, that to offer a bribe constitutes an offence.

372. Within the statute?—Not precisely within the statute, but according to the best opinions, as laid down in the books, an offer would amount to a bribe if the offer was proved by clear evidence.

373. There are no other words in that section to make it an offence within the statute to offer a bribe?—Not to offer a bribe.

374. Those actions you are speaking of at Warwick were brought under the statute?—Yes.

375. If you were sure to obtain a conviction at common law under the statute, why was not that course adopted in the bribery cases at Warwick?—The punishment of a certain class of persons may act upon their person; of another class upon their pockets.

376. Which is the most useful punishment with regard to checking the crime of bribery?—It depends entirely on the station in society of the party accused.

377. In those cases you alluded to an arrangement was made?—Yes.

378. Were the penalties paid?—Yes.

379. Were they paid by those against whom the action was brought, or other parties?—By the agent in town of the solicitor to the defendants in the country.

380. Was the agent in town concerned in the previous election, with reference to which the action was brought?—No.

381. Was the solicitor in the country engaged in the election?—I think he was.

382. Could you trace the money paid to the candidates at the election?—No; the agent in London who paid the penalty, was the agent of the solicitor of that particular candidate in the country.

383. Have you any doubt at all from whence the money came?—I have none at all.

384. You have no doubt it came from the candidate in whose behalf that bribery was committed?—I should say so, certainly. It is my strong impression, but I have no proof of it.

385. What was the sum total that was recovered?—I think two penalties were recovered.

386. Five hundred pounds each?—Yes.

387. And full costs?—Yes, in two actions.

388. Were

388. Were there any unsuccessful actions brought by you?—I cannot say they were unsuccessful, speaking with reference to the merits.

389. You brought three actions, and on all the three actions you recovered penalties?—I think there were five actions pending. We compromised two actions upon which the penalties were paid, but in consequence of one of the defendants being a professional man, and, if I may use the expression, his caste in society depending upon the success or non-success of the action against him, it was agreed to abandon the action against him from motives of consideration towards him professionally.

390. In whose name were the actions brought, in the name of a private individual?—They were.

391. Resident at Warwick?—No, resident in London, by choice, to prevent the plaintiff being tampered with by the opposite party.

392. He was the nominal plaintiff?—Yes.

393. What motive induced the defendants to compromise those actions, by the payment of the full penalties before they came into court?—It was this: in some of the actions there were numerous counts, alleging distinct offences, and a penalty of 500*l.* would attach to each. All we wanted was to establish the existence of bribery at Warwick. They were arranged in court after the jury was sworn, and after our counsel had opened the case.

394. Then the defendants, by compromising, avoided the rest of the heavy penalties that might be recovered?—Undoubtedly; and on the other hand, we avoided the risk of a trial before a jury of that county.

395. Did you personally investigate the cases previously to the action being brought?—I did, minutely.

396. Did any other case of bribery, or attempted bribery, come within your knowledge in the course of that investigation?—Yes.

397. What was the reason those cases were not also made the subject of action?—To the best of my recollection, we thought we had enough to accomplish our object of establishing bribery.

398. Do you remember any case where the offence had not been completed within the statute by the acceptance of a bribe, although it was offered?—I do not. I generally relied upon the cases where the offence was complete under the statute.

399. Were there any cases on which actions were not brought, in which the proof was just as complete and clear in your belief, as they were in those cases in which actions were brought?—Very nearly.

400. Did you meet with any case in the course of your investigation, of money paid to voters after the election without any promise or agreement previously, so as not to bring it within the Statute of Bribery?—I do not remember them.

401. Have you any doubt that the statute would not apply to money paid afterwards without previous agreement?—I think previous promise or agreement is essential.

402. Do you think it would be an improvement of the statute if words were introduced to make it an offence to give money after an election without previous promise, leaving it to the jury to determine whether it was given for the vote?—Undoubtedly, where the purity of the elective franchise is borne in mind and to be preserved, I should say that any payment whatever that had reference to the vote, should be the subject of a penalty or punishment.

403. Do you think that such an alteration in the law would tend to check the commission of bribery?—Very much so indeed, in my opinion.

404. You stated that in those actions parties who were bribed would be admissible as evidence?—Yes.

405. Would they not be subject to the risk of cross actions from the other parties, for giving evidence as to bribery?—There is great doubt about that, and I will tell you why, if I may be allowed to explain it; I think the persons who were bribed, and who were put in the witness box, might perhaps object to answer any question, the answer to which would criminate them upon the ground of a misdemeanor; but where the answer would merely subject them to a penalty before a civil tribunal, there they are bound to answer, notwithstanding this consequence. I conceive, with reference to answers, the bribed party, when he is in the witness box, and knows the penal consequences which may attach to him, may, if he pleases, object to answer the question, because it criminates him as having committed a misdemeanor; I should never bring an action where I called the bribed party into the

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the witness box, unless I had good reason to believe he was a willing witness, or had good confirmatory evidence, if he were unwilling.

406. Might not the other party, against whom he gave evidence, indict him for a misdemeanor, as having been bribed in consequence of his having voluntarily come forward as a witness against him?—I think so, if he was injudicious enough to give such evidence.

407. Does not that risk, which in these cases is run by the witness, tend to throw a difficulty in the way of procuring witnesses under those circumstances?—I think not, in point of fact.

408. How so?—Because the parties who give evidence of having received bribes are generally in such a low station of society, that they run the risk either of action for penalties, or of indictment at common law for a misdemeanor.

409. Have you known many cases of indictment at common law for a misdemeanor for bribery?—I have known very few; I think they are very seldom resorted to.

410. Do you think the reason of their not being resorted to is, that the penalty is more under the statute than the punishment at common law?—The expenses are very great in a prosecution, and the parties prosecuting would have to pay them.

411. For instance, you have said they are generally of the lower classes who are bribed; now if it were desirable to prove that a gentleman in a station of life which enabled him to keep a gig had been bribed, and his evidence was required to prove it, do you not think a man in that station of life would be deterred by the fear of an action being brought against him in consequence of that evidence?—I think so, certainly.

412. From your experience in actions for bribery, do you think that perjury is very common?—I think not, because in order to obtain a conviction for bribery there must be a great deal of circumstantial evidence; you must rely not so much on the facts communicated as the corroborative evidence to establish the integrity of the person who gives the evidence; by integrity I mean the truth of the evidence he gives.

413. In those cases in which you were concerned, in which you had the management of the actions, was the bribe direct or in a disguised form, such as a loan, or any thing of that kind?—We had both the one and the other.

414. Did they make any material difference in the facility of proof?—No, I think not at all.

415. Referring to the practical experience you have had in the conduct of borough and county elections to which you have referred, have you been able to form an opinion upon the value or effect of the bribery oath now administered to voters at the request of the candidate, or of the electors?—I think the bribery oath has very little effect, for this reason, that it is a most injudicious thing to tender it; the general rule is not to administer that oath, and it forms a very rare exception of its being required.

416. In fact is it not considered very imprudent in their own cause to tender it to the opposite party?—Yes.

417. Is it the common practice for candidates previous to an election, to agree that the oath shall not be tendered to the voters in either interest?—It is generally understood that the bribery oath should not be required at the voter's hands, unless some very strong case should occur, and only then.

418. Was that the reason for not generally tendering the bribery oath, that when it is tendered it might be formidable in the particular case?—I think not. It is a very offensive thing to offer it to a freeholder or respectable elector.

419. Have you seen the bribery oath tendered yourself in many instances?—In very few.

420. Have you ever seen it refused?—I have.

421. In what proportion of the instances have you seen it refused?—I have seen it refused not more than three times altogether in my experience.

422. What proportion does that bear to the number of cases in which you have seen it tendered?—I have never seen it tendered more than three times; and I think in those cases where it was tendered it was refused.

423. Was that in a county election or a borough election?—In a county election.

424. Did you ever see it tendered in the borough of Maldon?—No.

425. Where it was tendered and refused, had you a previous knowledge of the party refusing it which led you to know he would refuse it if it was tendered?—Certainly

Certainly not, but I had reason to believe that the party had been bribed or received a consideration for voting—his conscience pricked him, and he did not commit perjury as well as the offence of taking a bribe.

426. You think, although he received a bribe, yet he was a conscientious man as far as perjury was concerned?—Certainly.

427. Did you not say at first that you thought the bribery oath of little or no use?—Yes, inasmuch as it is very seldom administered.

428. You say you never saw it tendered without its being refused; is that not evidence of its being of use?—I think not; I stated that it was generally considered by the candidates, who are men of high station, and their agents, who follow their instructions, that such an invidious test should not be applied to the persons coming up to poll.

429. In the cases you have referred to, should you have been able to have proved bribery against the parties coming to vote?—I think so.

430. Then notice to the parties that if they gave their votes you would prosecute them for bribery would fully answer the purpose of deterring them from voting?—I doubt that very much, because, between the threat to bring an action and an actual attempt to commit perjury, there is a wide distinction, and if not deterred by the first I think they would be by the other.

431. Do you think any improvement would be made so as to render the words applying to the offence of bribery more comprehensive in the statute?—The words in the Bribery Act are so very large as almost to embrace every thing.

432. With respect to your personal experience at the elections you have spoken of, has your attention been directed to the Treating Act of the 7th of William III.?—It has.

433. Have you known treating carried on at any of the elections notwithstanding that Act?—A great deal of treating by entertainment undoubtedly has existed with respect to one borough I know, but I have always been careful it should take place before the teste of the writ.

434. For how long previous to the teste of the writ have you known those liberal entertainments going on?—For several months antecedently.

435. How many months?—I should say at least three or four.

436. In what mode have those entertainments been conducted, through the medium of open public-houses, at the expense of the candidates?—It has been produced by the parties connected with the candidates having authorized the treating, which consists of dinners and feasting, and which have never, in the cases I allude to, been paid by the parties who dined or feasted.

437. Have those dinings and feastings for several months been productive of much drunkenness?—No, not beyond the night of the day.

438. On which the entertainment was given?—Yes.

439. And those days have run through the period of several months?—When I speak of treating going on for three months, I mean during those three months there was one day in a week or a fortnight in which dinners at a public-house were given to partisans and voters.

440. You mean to state that the entertainment was not going on for consecutive days, but on various days during a period of several months?—Yes, I mean to state that.

441. Have you known public-houses kept open on consecutive days for any considerable period before the teste of the writ?—I have not; I refer to dinners given to voters on particular sides, where they have enjoyed themselves at the candidates' expense.

442. Have you never seen other public-houses open during an election, or previous to the teste of the writ?—I have seen them open, undoubtedly.

443. Have you seen treating carried on through the medium of public-houses being kept open from day to day for any lengthened period?—I have not, myself.

444. Have you any doubt of such practices existing?—None at all. From all the evidence I had on the occasions referred to, and in several other cases which came before me in professional inquiries, I have ascertained the names of the public-houses where the parties have gone, and where they have been entertained.

445. Has that been subsequent to the teste of the writ in any case?—Certainly not; not in those cases where I have been concerned.

446. Can you suggest any remedy for such practices by legislative enactment?—I cannot

Mr. *James Florance.* —I cannot say, with reference to a legal remedy, that I have applied my mind so fully as to speak with any thing like authority upon the point; but it is as much an abuse, in my humble judgment, as that which takes place after the teste of the writ. Between the teste of the writ and the election there is only a short interval, and that which takes place three or four days before the teste, and three or four days after, is a matter of little consequence, so far as it has any effect on the voter at the approaching election.

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447. Now, in those cases you have referred to, you have stated that the entertainments were suspended after the teste of the writ?—Yes, so far as I have had any direction myself over them.

448. Have you known them resumed after the election is over?—Immediately after.

449. They are merely suspended temporarily between the teste of the writ and the close of the election?—Yes, on account of the consequences. I have given directions that no bills whatever for entertainments should be paid, till the time is elapsed for presenting an election petition to parliament.

450. Not even for those given after the election is over?—Not for any accounts whatever; the only object I had in view was to get in the accounts, to prevent their being inflamed.

451. If it was clearly proved that those expenses were not for treating between the teste of the writ and the close of the election, the sitting member would be in no danger?—No; he would, I think, run no risk.

452. Do you see any objection to put treating upon the same footing as bribery, to make it an offence subject to a penalty for a party to treat, with a view to influencing votes at an election?—I think it would be very desirable that it should be made the subject of penalty, inasmuch as it is the cause of great expense to the candidate.

453. When you speak of the party being subject to a penalty, you do not mean the candidate or agent, but the individual who treats with a view to influence votes at elections?—I should say all parties whatever, because, assuming it to be an offence to treat or to give entertainment to persons to influence their votes, I would make no distinction of parties concerned in it.

454. Do you see any difference between giving money to influence a voter and giving entertainment for the same object?—I do see a great difference, for I think money is more corrupting than an entertainment, which consists merely of a dinner and wine, and is over on the day.

455. Are you not rather comparing bribery in the abstract, with a certain limited extent of treating only?—I am.

456. Taking bribery in the abstract, and treating in the abstract, do you not think each is equally objectionable, as a mode of corrupting voters?—Certainly I do. Treating is a species of bribery.

457. Does any thing else occur to you on the subject of treating, which you would wish to suggest to the Committee?—Nothing, unless perhaps with respect to the recent Act of Parliament of the 7th & 8th George IV., which is rendered inoperative, by the expenses of the action not being at all the subject of recovery.

458. Bearing in mind the practices you have witnessed at county elections, is treating carried on, within your knowledge, as a general practice at county elections?—It certainly is not, so far as I can speak from considerable experience at county elections.

459. To what do you attribute the difference between borough and county elections?—To the concentration of the constituency.

460. You have spoken against the practice of treating, and recommended that the Act should be more efficient; how should you prevent a political partisan giving entertainments to persons who are the friends and supporters of any particular candidate; for instance, a gentleman who is a political partisan invites to his own house the supporters of a particular candidate to dinner?—I should say it is very difficult to prevent it.

461. Suppose a political partisan of the town invites the supporters of a particular candidate to dinner, to what extent would you allow that?—I would not allow it at all.

462. Do you mean to say that a gentleman living in the borough might not invite the friends of a particular candidate to dine before the election?—I think it would be difficult to legislate upon the point.

463. Would you legislate at all upon it to that extent?—I think I would not; I would

I would perhaps legislate with respect to the time; I should say that it is very rare to give dinners for election purposes but in anticipation of an election very shortly.

464. Suppose a dissolution of Parliament is anticipated to happen in three or four, or five or six months, would you prevent a gentleman who takes a warm interest in the success of a candidate from assembling at his own house the supporters of a particular candidate to dinner?—No, I would not legislate upon it.

465. If you admit a political partisan might exercise hospitality toward the supporters of a particular candidate in this way, if you endeavour to make the clause relating to treating more stringent, is not that the form in which parties would seek to evade the Act?—Indeed I think not.

466. Have you ever heard of any agent or supporter of a particular candidate, or the candidate himself, hiring a house in the borough, and almost daily giving entertainments there to his supporters?—I have not known it.

467. Do you not think the practice, if you make the clause upon treating more stringent, would assume that form?—I do not at all think it would.

468. Would it not be an obvious mode of evading the law?—The hospitality to voters is such an extravagant way of influencing a vote, that I do not think with respect to that particular mode of corruption much danger is to be apprehended from it.

469. Do you not think that it would not be advisable to make a law rendering it penal for any friend of a candidate to entertain voters at his own house, and that you might with perfect justice render it penal on the candidate himself to entertain voters in his own house for six months before the election and six months after?—I should say two months before is quite sufficient.

470. Limiting it to two months before and two months after, do you not think that would be beneficial?—I think two months before would be desirable, but two months after might be another question; I do not trace the influence in the latter event.

471. Did you ever hear of a candidate, for the sake of influencing electors in a borough, hiring a private house in the borough, and giving treats in that house to the electors for six or eight months previously to the election?—I have heard or read as much, but I do not know it myself.

472. Would that be possible in the case of a candidate who lives in the town, and is in the constant habit of seeing his constituency?—I think it would be very difficult, and in my opinion very injudicious to legislate with respect to mere acts of hospitality after the election, but before the election I would prevent those acts of hospitality for the preceding two or three months.

473. How would you draw the distinction between what is commonly known by the name of treating, and treating under the pretence of hospitality; an agent, for instance, what is to prevent him from hiring a private house, and under the name of hospitality entertaining the friends of the candidate?—I think there is nothing to prevent him at present, nor am I aware that there could be effectually.

474. Would there be greater difficulty in leaving it to a jury to decide whether the entertainment was given for the purpose of corrupting voters, than there is now in leaving it to a jury to decide whether the party who afterwards becomes a candidate has given money previous to the election with a view to corrupt the voter, or for the mere purpose of hospitality?—I think the offences are equally proveable; it becomes a question of time, and the party doing it; but if with respect to entertainment previous to an election it could be shown that those entertainments, either from what took place at them or the previous advertisements respecting them, evidently were given with a view to influence the votes of the parties who were invited, I would endeavour to frame some Act to meet that abuse.

475. Do you think there would be any difficulty in proving treating in public-houses, putting aside for the present the consideration of treating in private dwelling-houses?—I think the evidence is the same precisely, whether the treating or entertainment be given in a public-house or at a private one; a difficulty might arise about giving evidence so as to implicate the hospitality given in a private house.

476. The difficulty then would consist in proving the fact of the candidate paying for what was eaten and drunk there?—Yes, and for other reasons.

477. Do you not think if you entirely prevented treating at public-houses, and required all treating to be carried on in private houses, that it would render treating so excessively inconvenient that it would be much more rare than at present?—Certainly; but I really think there is very little abuse at present connected with private hospitality given to voters.

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478. Do you not think the great inconvenience of the respectable political partisans of a candidate in a town being forced to turn their houses into open houses for this purpose, would prevent treating being carried on to such an extent as it now is?—Certainly.

479. Do you not think that a great deal of the treating in towns is now carried on with a view to conciliate the keepers of public-houses and beer-shops who are voters?—It has that object and effect.

480. Do not the licensed victuallers and beer-shop keepers principally benefit by treating in a town?—They do.

481. Are they not the people for whose interest chiefly it is kept open, and whose influence mostly causes it to be continued?—I should say so certainly.

482. Are not the licensed victuallers and beer-shop keepers, from the nature of their employment, always an influential and numerous class in every town?—In boroughs I think they are influential, but I am not aware that they are, from my own personal knowledge, in counties.

483. Do you not think that whatever may be the difference of feeling about the election, they generally unite pretty well to force the candidates on each side to treat?—They do.

484. That to them it is quite indifferent which colour they take into their house, so that they do take in a colour?—Yes.

485. Do you think there would be any thing unjust in totally disfranchising all licensed victuallers and keepers of beer-shops?—I see no particular object in that, it is quite possible for the licensed victualler to be a conscientious voter.

486. Taking them as a class, does not their influence as electors do so much mischief that it would be advisable for the sake of purity of election to disfranchise them altogether?—I do not think their influence depends upon the character of their being electors, but of their being publicans, but I think they would from political gratitude vote for that party who employed their house.

487. The profit arising to publicans from their house being made a treating-house by a candidate is very considerable?—Yes.

488. Can you state how much?—They are much larger, very much larger than they would have been had not the entertainment been given with reference to an election; they think it almost justifiable to fleece a candidate or his agent upon these occasions, although they would have some scruples another time in charging on the same enormous scale.

489. In point of fact, the bills when sent in are looked on with great laxity?—Yes, with very great laxity.

490. Would it not be thought dishonourable in any candidate not to pay to the last farthing all that is charged by the innkeepers?—Yes, and it would endanger his subsequent election.

491. Have you ever known actions brought by publicans for the recovery of such charges?—I should not recommend such actions to be brought.

492. Have you known any?—I have not known any myself with respect to the publicans I have had to do with.

493. In point of fact, the bills, however large, are commonly paid without close examination?—They are settled by some means or other by mutual concession.

494. Has the treating you have known been carried on by an indiscriminate opening of public-houses to all voters in the town of every party?—No, I cannot say that.

495. Have you never known candidates to say, "throw open the houses to all electors, never mind what party they are of?"—I have not, nor would I sanction such a course.

496. Did you ever know of the practice of treating by tickets, giving 5*s.* tickets to electors?—Yes, for refreshment after they have voted. Immediately after they have polled they generally have been sent to some ticket-clerk or committee in order to receive a refreshment ticket after they have voted.

497. Is that at borough or county elections?—At county elections.

498. Have you ever known the practice of a candidate, on first entering a town and declaring himself a candidate, being in the habit of issuing to all the voters, indiscriminately, tickets for drink to such an amount?—I have not known it; my practice has been, when I introduce a candidate, which I have on some occasions, to invite the electors of that party I may be associated with to dinner, requesting them to bring their friends, and especially all persons who were doubtful, to join the party.

499. Would

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499. Would not the administration of such a law as is suggested and proposed be governed entirely by the evidence of the *quo animo* under the special circumstances of each particular case?—It ought to be so, certainly. I think there ought to be evidence given that it was done to corrupt the voter, or to influence him. Mr. *James Florance.* 2 April 1835.

500. Do you not think that many persons who would not accept a bribe would accept of treating?—Yes; I think the acceptance of an entertainment is considered as no offence at all by the individual voter accepting it, though it involves the candidate in a very large expenditure.

501. Do you not think that many people who would not accept a bribe would insist on treating, and would not vote without it?—I have not known many of that kind who for that reason would not vote unless they had come from a distance. It is generally understood, that after they have voted they are to have a dinner, or some entertainment together.

502. Would not a candidate pass for a very niggardly man who declined entering into that expense?—I think he would, and particularly if many voters came from a distance they have always had some refreshment, and I have allowed it myself.

503. Do you not think a candidate would really suffer in the opinion of the electors if he would not treat where it is usual?—He would; and it would be indiscreet of him if he wished to secure his seat, not to have the customary dinners, inasmuch as many votes are secured by these entertainments; but perhaps I might be allowed to add with respect to these dinners, it is a very expedient mode, so far as the agent is concerned, to arrive at the facts relating to the qualification or disqualification of each voter. A great deal is talked of these matters after dinner, and it is a saving of time, and a great means of eliciting facts. So far as the voter himself is concerned, it may or not have an effect upon his vote.

504. Do you not think a great proportion of the treating that now prevails takes place after the election is over?—A considerable portion does take place after the election is over, undoubtedly.

505. Within what interval?—Very shortly afterwards.

506. Within three days after the election often?—Yes.

507. A dinner to celebrate the return?—Yes, a sumptuous dinner.

508. Do you not think even if there was perfectly secret suffrage, that a candidate who did not treat in the customary manner before the election, and of whom it was not perfectly understood that he would treat in the customary manner after the election, would really lose votes because he had lost on that account the good opinion of the electors?—If one candidate gave entertainments and the other did not, I think the party who did not give entertainments would have but a slight chance in general.

509. Supposing the ballot to exist, there would be still this difference between the candidate that did treat and the candidate who did not?—I do think so.

510. Because you think the man who did not treat really would lower himself in the opinion of the electors?—He would. I am not, however, satisfied that the ballot would do more than give an opportunity to secure the honesty of the vote in general.

Martis, 7° die Aprilis, 1835.

SIR GEORGE GREY, BARONET, IN THE CHAIR.

Mr. *James Florance*, called in; and further Examined.

511. YOU stated in your last examination, that you have had some experience in elections for the borough of Maldon?—I have been engaged only in one election there. Mr. *James Florance.* 7 April 1835.

512. Are you not aware that there are a great number of voters there, who vote as freemen?—Yes.

513. Do you know what is the expense of the admission to the freedom?—Between 1*l.* and 2*l.* I think.

514. Are you aware whether upon the eve of an election there is a practice of paying for their admission on the part of the candidate?—I am not aware of it from my own personal knowledge, but from all I have ever heard with respect to

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Maldon, I believe it to be the constant practice for the candidate, or his agent, to pay the expense of the admission of freemen.

515. Previous to the election?—Yes, to secure the voter's interest.

516. Do you mean to say that that practice has been resorted to by the candidates and their agents, with a view to procure the votes of the individuals for whose freedom they have paid?—Certainly, from all that I have heard and believe.

517. Are you able to form an estimate of the expenses occasioned at an election for Maldon by any candidate under the particular head of payments for admission of freemen?—I think it is very considerable.

518. What are the number of voters at Maldon?—I think about 800.

519. Are you aware with respect to the election of which you had cognizance yourself at Maldon, what number of freemen were admitted immediately previous to the election; can you state any thing like the amount?—I cannot state with respect to that on the single occasion on which I was retained on the part of the candidate at Maldon; I was called in just previous to the election, and all the information I obtained was from being at Maldon perhaps a week, and having made inquiries among the partisans of the particular candidate, and ascertaining from them all the facts to which I have spoken, and without possibility of reference to the evidence I am now giving.

520. You were not personally cognizant of an election at Maldon, previous to that election?—No.

521. Would not the payment of freemen's admissions before the election be bribery under the statute?—I think there are cases that go that length.

522. Are any of the freemen of Maldon assisted in the payment of their rates and local taxes, by candidates for the same view and object, as far as your knowledge extends?—I am not aware that that particular kind of assistance has been much applied; I think that after an election, as I have heard from good authority, considerable sums when distributed over the whole constituency have been advanced to individuals by way of loan, and they are not asked for it again afterwards.

523. You mean to say it was a nominal loan, but a substantial gift?—Yes, a substantial gift, inasmuch as it was not asked for again.

524. And no expectation on the part of the voter that it would be asked for?—None whatever.

525. Does it generally pass through the hands of the agent or political partisan?—By some confidential person in the immediate vicinity; and I might perhaps say with respect to that, a very strong personal attachment towards a particular candidate does exist, in consequence of these acts of benevolence.

526. Does not an agent who is anxious to establish a permanent interest, sometimes do it by lending loans to small tradesmen in boroughs?—I am not aware of that myself, I can only speak from my having heard from very good authority that the fact of small loans to large numbers does exist.

527. Suppose that an agent of that kind, having lent a small loan to a voter before an election, finds that that small loan had not the effect of inducing the voter to vote as he wished, do you think that he would be likely to obtain a small loan after the election, on any future election?—No; the fact of his voting against the particular candidate for whose interest the money was lent, would be a sufficient reason to prevent a repetition of the loan, and I would also go on further to say, that in my opinion, if he did vote against the candidate whose agent had lent him the money, the loan would be recalled.

528. Or if he did not vote at all?—Yes, in either alternative.

529. Then the knowledge on the part of the agent that the voter voted in the direction the agent wished, would of course cause a willingness on the part of the agent to repeat the same kindness on any future occasion?—Yes.

530. What security do the voters give for the repayment of the loan?—Not being myself a party to the original loan, I am unable to speak to the fact; in general I should say, from all I have heard, some security has been given in the shape of a promissory note or a memorandum, or an "I O U."

531. Has the making the payment of rates the condition of entering voters upon the register, the effect of presenting to them an inducement at particular periods, to take bribes?—I do not exactly understand how the payment of rates and taxes by particular parties is an inducement to take bribes; but I am quite aware that the agents of candidates for boroughs do pay the rates and taxes to qualify particular persons; to qualify them to be inserted on the register.

532. Do you know whether that is held to be bribery within the statute?—I am not

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not aware of any decision upon the point, nor do I believe there is any, inasmuch as the Reform Act, with reference to that, is of such recent date; but I should conceive that, under the Bribery Act, payments of that kind would be held to be distinct bribery, if made for the purpose of procuring votes at a subsequent election.

533. Have you had much cognizance of business before Parliamentary Committees?—I have been engaged, unquestionably, on several election committees within the last four or five years.

534. Have you been engaged in establishing charges of bribery; have the petitions in which you have been concerned embraced the charge of bribery?—No, they have not, except in the general allegation in framing the petition. I should make the statement so large as to embrace it; but with respect to giving evidence of that, many difficulties arise.

535. Do you mean to say that it is the general course adopted by agents in framing the petition, to insert a charge of bribery, with a view to admit you to give evidence before a committee?—With the fear, in case they should be able to prove such fact, the omission of such an allegation would prevent them from entering at all into it.

536. Do you mean that there is a difficulty in satisfying yourself that bribery has been committed, or do you mean there is a difficulty in producing legal evidence to satisfy the Committee that bribery has been committed?—A difficulty in procuring legal evidence.

537. Do you mean the difficulty of proving agency?—Unquestionably, before the Committee, agency being necessary to be first established, in order to affect the candidate, but not essential to affect the vote.

538. If the seat of the candidate is in question, the difficulty of proving agency, you think, is a bar, in a great measure, to receiving evidence of bribery committed?—Yes, inasmuch as the persons connected with the details of an election, as agents are in general professional men, and where they do lend themselves to this practice of bribery, being professional men, they are absolved from answering many questions, because they are professional men.

539. If those professional men were liable to an examination before a committee, do you think there would be infinitely less difficulty in concealing the legal evidence of bribery, where bribery did take place?—Yes, I think the fact of being professional men very much restricts the means of ascertaining the truth.

540. They are entitled to certain privileges now?—They are entitled, for their clients' benefit, to certain privileges in courts of common law, which I think ought not to obtain with respect to election committees; for with respect to the protection they may have, as witnesses in the courts below, the power of a rigid cross-examination of a professional man might seriously injure a client; but before a tribunal like an election committee, I should hold the public interest to be paramount, and that there ought to be the fullest power of ascertaining the particular motives and actions, with reference to elections of Members of Parliament, and that a witness ought not to be allowed to refuse to answer a question, because forsooth he is an attorney, inasmuch as I conceive the relation of attorney and client does not in truth exist there.

541. Supposing the privilege to be taken away from the professional agent before a Select Committee of the House of Commons, do you think that greater facility would be given in the proof of bribery at elections?—I think so, and I think also it would prevent a good deal of bribery, for if they were compelled to answer these questions, professional men would not be party or privy to bribery, and very few other persons would be intrusted with that power.

542. Supposing every person who was a reputed agent was liable to examination before a committee, would that materially facilitate the discovery of bribery, where bribery had actually taken place?—With respect to the distinction between reputed agents and professional agents, I think reputed agents, as distinguishable from professional men, are even now liable to be examined (except as to self-crimination), and it is only where they are attornies that they can claim to be excused. In my opinion it is not correct that such a privilege should be allowed, when the relation between them, as attorney and client, does not substantially exist.

543. From the rules usually acted upon in committees, every reputed agent, not a professional man, is liable to examination?—Undoubtedly, I think that is the practice; but other agents can only refuse to answer questions where the answer would involve them in some crimination.

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544. Would you require every agent, who is put in a witness-box, to state whether he was the agent or not?—I would not permit any privilege to exist against the speaking of truth in election matters.

545. Under what privilege is it that the agent can in general refuse to answer the question; is it as subjecting himself to penalties, or only as a professional man, by the general privilege of attornies?—For two reasons, in general; first, that he is an attorney, which I conceive he is not, in the character of an election agent; and, secondly, that the answer necessarily tends to criminate him.

546. When a question is put to him before a committee, and he declines answering, is he forced to state the ground upon which he declines?—There is some doubt about the necessity of doing that; it is quite a sufficient reason for a person (according to some late decisions) to refuse to answer the question if he believes it will criminate him, or tend to do so.

547. Those rules of committees are different from the rules at common law?—They are in that respect.

548. Do you think you could in that case interfere with the general privilege of attornies?—Undoubtedly you might by Act of Parliament.

549. Would you?—I would unquestionably; most assuredly. I know of no reason for a professional man who has been engaged in an election, surrounding himself with this shield to prevent him answering questions with respect to matters of that election; it was never intended that the relation of client and attorney should be carried so far as to excuse him from answering questions which relate solely to public interest. With respect to private matters, where much is intrusted to him in strict professional confidence, and where the answering might very seriously prejudice the interest of his client, I can see very well in those cases the reason and the policy why an attorney ought not to be compelled to answer questions which might injure his client.

550. Why should an attorney be compelled more to answer a question that would criminate his employer as to the offence of bribery than to answer a question that would criminate him as to a felony?—I think with reference to all transactions in which an attorney is engaged for election purposes, that they ought to bear to be told to the whole world.

551. Your opinion is, that no paid agent ought to be allowed to shield himself under the plea of criminating himself possibly by any evidence he gave, and to decline answering the questions put to him by a Parliamentary Committee?—That is another question altogether. I should say he ought to be protected from answering questions that would criminate himself.

552. Do you not think it desirable, for the ends of justice, that he should be indemnified from the effect of giving evidence before a committee so as to render that plea unnecessary?—Unquestionably, if you could with reference to election matters protect him from all consequences of speaking the truth, I would allow him to criminate himself for the purpose of ascertaining the truth.

553. You would also indemnify him from the consequences which might ultimately ensue for the act thus made known?—Yes, I think that might be easily effected by a general law that any evidence given before election committees should not prejudice the witness.

554. Do you think that the indemnity should be confined to the admission of the evidence, so as to prevent that admission being made use of against him, or extend to protect him from all consequences with respect to the facts he deposed to, which facts might be ascertained from evidence *aliunde*?—I think it ought only to go to his own protection.

555. Would you still leave him liable to an action by a third party for the acts with respect to which he gave evidence, which action would be maintained by evidence irrespective of his own admission?—I would make him liable for the acts which I could show *aliunde*; but the difficulty in legislating would be to draw the line between the evidence which has been given, and that to which such evidence might be a clue.

556. Do you see any objection to following out the principle of the old Bribery Act, which makes the discovery of the commission of one act of bribery amount to an indemnity for the discoverer's participation in the act?—The person giving the discovery of acts of bribery before a committee is not the party at all in the contemplation of the statute. In my opinion the discoverer meant by the Act of Parliament is, where a person discovers an offender, and pursues that discovery by the

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the conviction of the party, but the discovery which he might make before an election committee is no indemnity to him at all.

557. Do you not think it would be advisable to carry out the whole idea of compelling a man to discover the acts of bribery in which he has been engaged by providing, if he gave full information before the committee, that no penal consequences on that proceeding should ever inure to himself?—I think that principle is good, and which I stated some time ago would be effected by having an enactment that the evidence which the party gave should not be visited in penal consequences upon him.

558. Do you not think you should save him from any penal consequences arising from those acts?—I doubt very much the policy of going that full length, because the consequence would be, that every person who really had been instrumental in corrupting perhaps a large constituency, might be most anxious to be put in the witness box and brought before an election committee, to have that protection thrown around him.

559. Would not the parties interested in the prosecution of a case of bribery, always prevent improper persons from availing themselves of that privilege?—He would be interested on one side or the other. I think in general there are not many persons who commit bribery, but the acts done may be numerous, while the individuals who commit them may be very limited in number.

560. Do you see any objection to the proposal made, that the indemnity in the first instance should be confined to the evidence given by the witness, but that a certificate from the Chairman of the Committee, if he thought the witness deserving of a certificate, should be granted him to indemnify him against the acts altogether?—I certainly would give such a discretionary power to the Chairman, with the consent of the majority of the Committee.

561. In any of the county or borough elections in which you have been engaged, has the practice prevailed of paying voters for attendance on the nomination day, for their loss of time?—Not to any considerable amount.

562. If the voters do attend, do they expect to be paid any thing as far as your knowledge extends?—In very few instances. With respect to the county elections, the class of persons who vote are so very respectable, that they have very seldom asked for it; I have known it asked.

563. Even at county elections?—Yes, by distant voters.

564. What sum have you known paid in such cases to the voter?—Very little beyond the actual travelling expenses; but with respect to borough elections, travelling expenses would of course not exist.

565. With respect to travelling expenses of voters at county elections, do the voters expect to be paid their travelling expenses on coming up to poll?—Some do, and some do not; I have known several persons who have declined to receive either the expenses of travelling or refreshment at the public-house where they were lodged.

566. Will you state, as far as your experience goes, how far the difference between being paid and not being paid travelling expenses operated as a powerful inducement for the voter to give his vote for and against a particular candidate?—I think not at all in county elections; that is my decided opinion.

567. Have you ever known a voter halt on the outside of the town, and decline coming into the town, unless he received refreshment to a certain amount?—No, I have not.

568. Do you know of any particular acts of bribery in the purchasing of votes with money, previously to a county election?—I have known in my experience that it does occur, but only in three or four instances, where it has been brought to my knowledge, and where the fact having been bruited about, the bribery oath has been a sufficient test to prevent them from voting. Certainly with respect to county elections, I do not believe that bribery can be said to exist.

569. To what cause do you attribute the practice of bribery being less frequent at county than borough elections? -The respectability of the county electors is far superior to that of borough electors, and independently of that, the constituency in general is much larger, and more dispersed.

570. Do you imagine that if the borough constituency were composed of the same class of persons as the county constituency, that bribery would be much less frequent?—Yes.

571. Do you not think the fact of the county constituency being so scattered, prevents the parties who wish to bribe from doing so?—Very much so.

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572. Do you not think also the fact that many of them being also subject to the constant paramount influence of landlords, prevents people from offering bribes, inasmuch as they could not offer any bribe which would weigh against that?—Independently of the influence of the landlords, which I consider to be very great, I consider the class of individuals precludes the possibility of tempting them with bribes; the influence of landlords in agricultural counties is very considerable, and the only remedy I can suggest would be secret suffrage, if practicable.

573. In the present depressed state of agriculture, where it is more frequently an object with the landlord to procure a tenant, than a tenant to procure a farm, is that influence as strong as it formerly was in the county of Essex?—I am not aware of any difference on account of the difficulty of obtaining tenants, or the difficulty of procuring farms.

574. Have you been in the habit of canvassing counties at all, and being in communication with persons by actually canvassing them?—I have not in general canvassed them myself, because I have acted as the principal agent to guide the machinery; but unquestionably it is a common practice to inquire who the landlords are, and to use every influence to gain the tenants' vote. I remember at the last election, Mr. Wellesley wrote a letter, offering his influence with his tenants, on behalf of one candidate.

575. You have spoken of the landlords' influence being exercised; is it exercised so injuriously as to make you think that vote by ballot, or secret voting, would be preferable to voting produced by that influence?—I do think there would be no objection to the vote by ballot in counties, not that the ballot in counties would prevent the influence of the landlords on their tenants, but that it should be open to the voter to record his vote how he pleased conscientiously.

576. With respect to tenants at will voters, have you observed how they have voted since the passing the Reform Act in counties?—I have generally found, in most cases, that the tenants have adopted the candidate of the landlord.

577. Whether tenants at will or tenants for a term of years?—Yes; I am speaking of county elections, and applying my evidence to them exclusively.

578. Is there any observable difference between the feelings of tenants at will and tenants upon lease; does not the tenant at will feel himself more dependent upon his landlord than the tenant upon lease?—I am not aware there is any difference in the influence.

579. You think the influence which is felt by the tenant on lease, and which is exercised over him by the landlord, is as great as the influence felt to be exercised by the tenant at will?—I think it operates both ways. The tenant upon a long lease may consider himself independent of his landlord, and the tenant at will may say, I am tenant at will, and may give notice to quit in six months.

580. So that, in point of fact, the personal independence of both is very much upon a par?—Yes, whether the tenants are tenants at will or leaseholders.

581. Are the majority of tenants in the county of Essex tenants at will or upon lease?—Tenants from year to year.

582. With respect to those that have leases, are the leases generally given for life, or only for a certain term?—For terms of years.

583. For long terms?—Seven, fourteen or twenty-one years, determinable upon either party giving notice.

584. Is there any feeling, on the part of the tenants in the county of Essex, that they are expected to vote according to the wishes of the landlord?—There is.

585. And is there a corresponding feeling on the part of the landlord, that their tenants should vote according to his wishes?—Unquestionably, I believe so.

586. What proportion do you believe of the whole of the tenants who voted against the supposed political opinions of their landlord at the last contested election for the county of Essex?—Very few; I do not think there is any difference in that respect, in the elections before and subsequent to the Reform Bill.

587. Did any of those you know leave their farms in consequence of their so voting, or did they retain them?—I am not able to speak to that.

588. Do you not think, if vote by ballot was established, that straightforward men would make a point of openly expressing their political sentiments, though obliged to give their votes in secret?—I do, most unquestionably. I think many persons, if vote by ballot were established, would take some means of showing the way they voted.

589. Though you think bold men would do so, what would timid, nervous men do?—I think bold men would do so, and weak men would be compelled to follow

that very course which bold men did, under the fear, that if they voted secretly they might be suspected of voting otherwise than they were desired or expected to do; I mean with reference to the ballot, that many persons, in coming up to the glass or box, might openly show, by some means or other, either by the paper or ticket, or by their declarations, that they intended to vote for a particular person.

590. Is it not the understanding, in every efficient scheme of vote by ballot, that the vote itself would be contrived mechanically to be given under such circumstances, that it should be impossible to be any thing else than secret at the moment of giving the vote?—If that were done, which might be done, according to the opinion of some persons, but which I conscientiously doubt the possibility of at present; but if that could be done, it would be most desirable to be accomplished.

591. Do you think it possible to devise any system which would prevent a voter saying, either how he intended to vote, or how he had voted?—I think it very difficult to restrain the public avowal of the political opinions of the voter.

592. If the act of giving the suffrage was strictly secret, would there be any means of knowing whether he lied or not?—The fact of its being strictly secret implies that there would be no knowing.

593. Then his statement would have no value whatever?—It would have no value, if the machinery to accomplish the secret vote were perfect; but I think it very difficult to effect such a mode of voting by machinery, that the answer of the voter, with respect to the vote given, should not be known to be a lie or the truth. The question to the voter is an improper one, inasmuch as it goes to affect the integrity of the system which is required as being desirable.

594. Would you have it contrived so that it is impossible for the voter himself to give any decisive proof whether he voted one way or the other?—Yes, or it would comparatively be useless to adopt it.

595. Would not all that a straightforward man could do under such circumstances be to state before he voted how he intended to vote, or after giving his vote how he voted, is not that all he could do, however bold or straightforward he might be?—Yes; I would (if possible) establish a system by which the declaration of a voter with reference to what he was about to do, or with reference to what he had done, should be of no dependence whatever.

596. By a system, do you mean a mode of voting so secret?—Yes.

597. Would not the practice of making declarations on the part of some straightforward men make silence impossible in general, would it not put an end to the possibility of keeping silence?—I do not think it would prevent silence.

598. Do you think any body under such circumstances, meaning to avail himself of the vote by ballot to give a vote he ought not to give, would there not be a suspicion cast upon any person under such circumstances?—The suspicion would be both ways.

599. Would there not be a suspicion attached to the declaration of those who declared, as well as to the silence of those who kept silence?—Yes, and the inference to be drawn from the act of each voter would depend entirely upon his personal character, but I think that secret suffrage would afford the means of getting at the honest vote of a man; I speak with reference and exclusively to county elections.

600. Would you draw any distinction between counties and boroughs, as to the application of the ballot?—Not as to the propriety of its application, but I would with reference to its useful operation.

601. Will you state wherein the distinction exists?—In boroughs such as Westminster, where the constituency is very large, I should say that actual bribery is not very prevalent; but with respect to Harwich and other small boroughs, where the constituency is limited, and the rival parties are nearly balanced, there, however advisable it might be to have the ballot as the means of allowing secret suffrage, yet, independently of that, the influence of bribery may exist with the existence of the ballot in small constituencies, as contradistinguished from large constituencies; and where the parties are nearly equal in strength, I think there might be means of bribing, admitting as I do the perfect utility of the ballot up to a certain extent, inasmuch as it gives the opportunity of giving an honest vote, and therefore I would adopt it.

602. Do you mean that a sum might be given conditionally; that the candidate would say, "If I am returned, I will give among such a set of voters such a sum?"—Yes.

 603. Would

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603. Would not the effect of a small constituency having the ballot be, that no bribe would ever be given, excepting by the successful candidate?—It would not be given except by the successful candidate, but there might be various means practised to bribe the voters; a candidate might say to a certain number of persons, who, under the present defective system, as I consider it, of having two days election, and speaking with reference to a small class who lie by till the last hour of giving their votes, when their votes are known to be valuable from the previous ascertainment of the state of the poll, a candidate might come and say, "I will give you 20 *l.* or 50 *l.* a-piece for your votes if I am successful;" such a mode of practising bribery is likely to be resorted to, notwithstanding the secrecy of the ballot, inasmuch as the vote is bribed in consequence of the interest attached to the success of the candidate.

604. Do you mean where the whole constituency is small enough, or the balance between the two parties is small enough to be within the reach of the purse of the candidate to bribe the whole or the balance, that in that case a sum of money will be given contingent upon the return of the candidate?—Yes, and I believe it would be done; and with reference to a small constituency I do not think the ballot is a complete protection.

605. Even in that small constituency where now both the successful candidates and the unsuccessful candidates bribe, under the ballot only the successful candidate would pay any bribe, would that not be the effect?—Yes.

606. Would not each party still offer a bribe?—Yes.

607. But even where there is a small constituency, would not the effect of the ballot be to enable an honest voter, who did not wish to receive a bribe, to give a conscientious vote for the candidate he preferred without apprehension of loss or evil?—Yes; and that is to me its recommendation.

608. Do you not think even in that case, where you suppose the ballot would not prevent bribery, that it would so augment the trouble, the difficulty and cost of bribery, and render the effect of it so little certain, that it would very much tend to diminish the disposition to bribe?—Yes, very much so; it would operate as a powerful check, but not as an absolute prevention.

609. Do you not think the operation of conscience, coupled with the ballot, would have the effect, to a great extent, of preventing bribery?—Yes.

610. You alluded to a large constituency, such as Westminster, do you mean to say that the ballot is required or desirable in so large a constituency?—I think it desirable, but not on account of bribery being employed.

611. On account of what, then?—On account of undue influence.

612. Do you think it desirable to limit the duration of the poll in counties and boroughs to one day?—To one day, undoubtedly.

613. In counties and boroughs?—Yes.

614. You think it is not difficult to do it?—No; it is only doubling the number of polling booths at each polling place.

615. In what form do you consider that undue influence is mostly exercised, taking the counties and the boroughs separately?—With reference to Westminster, where there is a large constituency, I think the undue influence of persons in office ought to be repressed by some means or other.

616. Can you state the fact of any undue influence which occurred at the last election, of your own knowledge?—I can.

617. Would you be prepared with regard to those cases, to hand the names privately to the Chairman, for the purpose of authenticating them?—Certainly; but it is only upon the understanding that I do not improperly avail myself of or violate my professional privilege.

618. You are speaking of the last election?—Yes.

619. With that understanding give us some specimens, consisting of facts of the mode in which the undue influence is exercised?—I speak of great men's liveried servants coming into a committee room and asking for information, and asking for their bills to stick up in tradesmen's shops, and inquiring what particular persons had a right to vote, and asking for canvassing cards of the candidate, and saying at the same time, So-and-so is our tradesman, and he shall vote so-and-so; and that Such-a-person is our tradesman, and these large bills shall be stuck over his shop.

620. Are you speaking of an official person?—No; a person of high station and influence.

621. Have you known whether they have stuck up those bills in the windows of voters

voters who have been opposed in politics to the persons on whose behalf the bills were procured?—I have no doubt whatever they were taken to the tradesmen of that person.

622. Independently of whatever might be the opinions of the tradesmen to whom they were taken?—Yes, for the purpose of influencing them. I know also the servants of one of the public establishments had continued access to the committee room, for the express purpose of getting cards to deliver to particular persons who might be influenced by that establishment.

623. When you speak of particular persons who might be influenced by that establishment, do you mean the tradesmen who were in the habit of supplying the establishment with articles for their use?—Yes, I do.

624. Did instances come within your special knowledge, in which solicitations were conveyed to those tradesmen by the servants or managers of the establishment?—I have seen many respectable voters who have told me that they had received hints from certain parties as to the way they should give their votes, meaning the parties conneeted with the public establishment.

625. When those voters mentioned what you have stated, did they seem to be under an impression that if they had not given their votes in that way it would have been to their detriment in business?—Yes. On the other hand perhaps I might be at liberty to say, that the influence of both parties was in a very curious position at the last election; a Tory administration had just got into office, and there was a strong belief current that they would not last long, and the fear of offending the succeeding administration operated very powerfully.

626. Do you state that from having actually heard voters express themselves so as to their fear from either the one or the other?—Yes, from my conversation in canvassing, I ascertained that to be the fact.

627. From the declaration of voters, who stated to you that they were under that influence?—Yes.

628. Do you mean to say that the apprehension of a number of the constituency included the application made by the servants of the establishment on behalf of a candidate?—No; with respect to voters influenced by the servants of particular persons, I think that influence is very great, and had an influence on the voter. With respect to the class of persons under the influence of pleasing or displeasing the succeeding administration, I think the class was much larger, many of them were prevented from voting for fear of offending the parties who would next come in; that arose from the state of things.

629. Then the effect of the expectation of evil from both parties had the effect of making them not vote at all?—Yes.

630. Is not the apprehension of having their custom withdrawn in boroughs, the usual form in which undue influence operates?—I must say that at Harwich, where the corporation influence is prevalent, I have known persons nearly ruined by adopting a line of politics in opposition to the corporation. I knew a tradesman, a most respectable man, who at one time had all the business of the members of the corporation, but who, in consequence of taking a course of politics opposed to the corporation, was almost ruined.

631. And is not the custom generally withdrawn without any reason being assigned for withdrawing the custom?—Yes; shortly after this individual took an active part, the influential members of the corporation called upon him for his accounts. That I have been told by the individual himself.

632. Was the destruction of the business, and the ruin of that individual, known in Harwich, and did it excite attention and talk?—It did; it was frequently said, "What a fool that man is; he is ruining himself by opposing the corporation."

633. Does not this fear operate more powerfully upon the political conduct of tradesmen, than the amount of money usually paid to voters can be expected to do?—I think it is more influential than money.

634. Is it not a question of life and death to the tradesman and his family?—Yes, it virtually operates so.

635. You have spoken of the influence exercised over tradesmen proceeding from classes above them; does it come within your knowledge of a similar influence being exercised over them by apprehensions from the class below them, from the working classes, who would give their custom to tradesmen or withdraw it from them, according as they voted in accordance with, or in opposition to their wishes?—I believe the lower classes of voters in Westminster and the small householders to be far more independent, and far less likely to be influenced, than the superior

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class of tradesmen are, and I do not think the lower classes unduly influence the upper class of tradesmen.

636. In Tothill-street for instance, and the lower parts of Westminster, do you not know that to be the fact?—I think they are less liable to the influence of threat.

637. Is it required of tradesmen, or is it for the benefit of tradesmen to exhibit the name of the popular candidate in their windows, and does their custom with their neighbours very much depend upon that circumstance?—I am unable to speak positively about the effect of such exhibition, all I can say is, that a tradesman of a great man has stuck bills in his windows in a particular candidate's interest, and my own opinion is, that he would have lost the great man's custom if he refused to do it.

638. Do you know of tradesmen being influenced in the votes they give at an election, for fear of losing the custom of the lower people?—I am not, I confess, at all aware of that.

639. Did you ever know of bills being stuck by tradesmen in a smaller way, at the beck of a number of poor men?—No.

640. If it were so, the ballot would be an equal protection against intimidation of that kind?—Yes, in my judgment and belief.

641. Has the apprehension of the loss of their licenses in the minds of publicans, if they happened to displease the magistrate who demanded their vote, had the effect of influencing the vote of publicans within your knowledge?—It has not.

642. You spoke of some voters who, being under the influence of an expectation of evil from particular parties, thought it best to give no vote at all; was the number of these voters very considerable?—I believe it to be very considerable, and very extensive.

643. Do you say that from having heard a considerable number of persons express themselves in that way?—From the reports of the canvassers.

644. Do you believe many of them have abstained from registering their votes on that account?—I am not able to speak to that; I think in Westminster there has been a very great deal of apathy and indifference with respect to registering their votes.

645. Are you aware of any case in the county of Essex of tenants refraining from registering their votes, in consequence of knowing that they were opposed in political sentiment to their landlord?—In Essex they take so decided a part with their landlord, that every means is taken to secure their names on the register by the agents of the respective parties.

646. Is it not the custom of the landlords to see that their tenants are registered?—I am not aware of that; it is the custom of a particular side to see that all persons who could be registered are registered.

647. Are you aware that in the towns of Essex, not boroughs, there are many of the leaseholders who have abstained from registering themselves as voters for the county, in consequence of being politically opposed to the politics of their principal customers?—I am not aware of that.

648. Have you been employed as an agent to procure the registration of voters in Essex?—Yes, ever since the Reform Act.

649. Have you observed any unwillingness on the part of county voters to be registered?—Very little; I have had a great deal to do with registrations before the revising barristers, before an election.

650. What do you infer from your practical experience before the revising barristers, that there is an apathy with respect to, or a desire to be placed on the register, or an unwillingness to be placed upon it?—It depends very much indeed upon the prospect of an election; immediately after a contest great apathy exists as to their names being properly inserted in the register.

651. You think there is a great deal of apathy after an election, and when no other election is immediately expected?—Yes.

652. But what have you observed when an election is anticipated at an early period?—There is a strong struggle to get registered, as the sure means to secure the election itself.

653. Are you able to state whether that struggle is on the part of the agents of the political parties, or the landlord, or the individual voter whose name is to be placed on the register?—On the part of the agent of the political candidate, identified with the particular voter.

654. Did

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654. Did the clergymen in Essex interfere much at the elections in which you have been concerned?—They certainly took a very decided part.

655. On which side?—I think of the class of clergymen who interfered at the last election, a large majority were conservative in their politics.

656. Did the dissenting ministers take an active part?—Undoubtedly.

657. On which side?—The opposite side.

658. In what mode did the clergymen interfere?—By canvassing; I know nothing beyond that.

659. Was there any intimidation used by clergymen?—I think not.

660. Any undue influence, to your knowledge?—Not beyond that influence which the station as a minister would give them; I think they would not condescend to intimidate, or to say any thing that could intimidate.

661. Do you know any instance of a clergyman threatening to withdraw his custom?—I do not.

662. Do you know any instance of his actually withdrawing his custom?—No.

663. Do you know any instance of that character as to dissenting ministers?—Not to that length; even among dissenting congregations, by having been engaged on both sides at different times, I have heard complaints of the interference and influence of their minister.

664. By whom were those complaints made?—By the members of the congregation who entertained different political opinions from their pastor.

665. Did they state the nature of the influence and interference of which they complained?—Not minutely, but in general terms they did.

666. What was the nature of the influence and interference?—Having the information merely from hearsay, and of a general kind, I can only imagine it to be the personal visitation and calling on the parties by the minister.

667. Do you mean using their influence as a spiritual guide for secular purposes?—Yes.

668. Is it inconsistent with the functions of a minister of religion to canvass voters for political objects?—Yes; at least in my own opinion.

669. And was that the view they took of it?—Yes.

670. And availing himself of the facility of the interference he had in his spiritual character, in order to carry on his political purposes?—Yes, in order to gain votes for the party he thought right.

671. Did this apply to any one class of dissenters, or all in general?—There are not many distinct classes of dissenters in Essex; they are chiefly the same denomination.

672. What is that?—Independents.

673. And it is of them you speak?—Yes. If I might speak of Colchester at the last election, where I was engaged by the Conservatives, there was an attempt made at Colchester to place on the register an almsman of an almshouse. The trustees of that almshouse were dissenters, and I know the object was to establish a principle, that one of the almsmen should be got on the register, and if he had been allowed to be entered on the register, then a considerable number of these almsmen would have been allowed to be registered, and who were completely under the influence of the dissenting trustees, the majority of whom had the patronage in them.

674. Were those almsmen themselves dissenters?—I understood they were; and because they were dissenters they were chosen almsmen. I am now speaking of the influence which dissenters used with respect to those almsmen.

675. Could they influence all dissenters to vote against their known political opinions?—I think the dissenters in Essex, almost to a man, adopt one line of politics; they are all of the Yellow party; they are Reformers as opposed to Tories and Anti-Reformers. With respect to the influence, I think this was in itself an abuse, though perhaps fair when opposed to influence on the other side, and if this one almsman had been permitted to be registered, all the rest would have been inserted in the register, and the whole of them unquestionably would have been Yellows.

676. Do you think they would have been of the Yellow party, irrespective of the influence of the dissenting minister?—They had no connexion with the minister, but the trustees happened to be dissenters,

677. Do you think that the body of dissenters generally who have votes in the county of Essex, are influenced by their ministers to vote differently from what they would if that influence had not been exercised?—I do not think they are unduly

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influenced by their ministers, who in general are of the same kind of politics as the body of the congregation; I speak only as to the fact that undue influence might exist, with reference to a minister who did not entertain such political opinions as the large majority of the congregation did.

678. Have you ever known a clergyman of the Established Church attempt to exercise precisely the same influence as the trustees of the almshouses or charity?—I have not myself known that.

679. Will you state what you were going to observe with regard to the corporation of Harwich?—I think its influence is very great, and very unduly used.

680. In what mode does that undue influence display itself?—By the members of the corporation withholding or giving their support to a particular class of voters.

681. What do you mean by their support?—That they would withdraw their custom from persons who did not vote as the corporation and as the members of the corporation would desire.

682. Is that the custom of the corporation collectively, or the custom of members of the corporation as individuals?—It is with reference to the custom of those individuals separately, because as a corporation in the aggregate they have very little custom, I believe.

683. Are they the most influential persons in the town?—Yes.

684. And the wealthiest?—Yes.

685. I think you said a large number of persons were kept from voting at Westminster by intimidation?—Not by intimidation, as such.

686. By apprehension?—Yes; by apprehension of losing their customers.

687. What is the constituency of Westminster; are you aware?—I think the recorded constituency of Westminster was about 13,000 at the last election.

688. What was the greatest number who voted?—Only 4,500; but the number that might have voted was, I consider, about 11,000.

689. So that there were 6,000 who did not vote who might have voted?—Yes.

690. Was the poll kept open the whole of the two days?—It was.

691. Do you think a large portion of that 6,000 was kept away by their apprehensions?—I think one half of them were; but the influence of the peculiar position of parties was very considerable at the last election.

692. You allude to the uncertainty of the continuance of the ministers?—Yes; they had just acquired office, but were not thought likely to retain it.

693. What is the number of voters at Harwich?—About 220 recorded voters.

694. How many of those have actually given their votes at any election since the passing of the Reform Bill?—The largest number, I think, was 198 at one election; at the last election 160, as nearly as I remember.

695. Is the number of voters, in your opinion, so small, that you believe the whole body of voters are within the reach of the purse of the candidates, if they chose to exercise bribery?—No. There are many persons of such thorough respectability in that small constituency, that they are not the subject of bribery; but there is an inferior party quite sufficient to turn the scale at an election, who are unquestionably open to bribery. I know about 20 or 25 of the lowest class of voters, who always wait until the second day of the election; and my own belief is, that they receive considerable sums to give their votes, and they can make either scale preponderate.

696. Is the constituency so small, that all those in the borough who are accessible to bribery, are brought within the means of the candidates of both parties, if they think proper to bribe?—Most certainly.

697. Do you infer from this, that a constituency of 200 is a smaller constituency than it is expedient there should be, if the object is to preserve purity of election?—Yes.

698. Do you think so small a constituency as that ought not to return one, much less two, Members to Parliament?—I think it ought not to return one, unless larger constituencies returned more.

699. Do you give it as a general opinion, that bribery is more easily practised in smaller constituencies than in large ones?—It is.

700. Do you think it exists to a greater extent in smaller constituencies than large ones?—It does.

701. Do you not think, for instance, that it exists to a greater extent at Harwich than at Maldon?—I cannot say that of my own knowledge.

702. Do you think, if the two days of polling were reduced to one, that it would tend to prevent bribery in the progress of voting on that day, and if it was kept unknown

unknown to the voters or the parties what was the progress of the polling during that day, so that they were not informed how many votes would turn the scale of the election?—I think it very desirable, for the integrity of the poll, and for purity of election, that it should not be known from time to time.

703. Can you suggest any way in which this knowledge could be kept from either party, except by taking the votes by ballot?—No, I do not.

704. If it is known nearly at the last moment, that one or two votes will turn the election, even in a large constituency, might it not be worth while for a candidate to give a large bribe for a very few votes?—Yes.

705. Do you not think the most beneficial means of preventing bribery is by nullifying an election obtained by bribery?—I do not think the most effectual way is by nullifying the election, but by incapacitating the representative to sit at all in Parliament. I would, for the same reason, that the law for ever disqualifies a person convicted of bribery from voting, render him incompetent to sit in Parliament. I think that would be a very effectual remedy.

706. Do you not think that the nullification of an election, at which bribery is proved to have taken place, would act infinitely stronger on the minds of the electors and candidates, than any penalties which you could obtain from a particular elector or a particular candidate, or the agent for any candidate who had been guilty of an act of bribery?—I think the mere nullification might sometimes be a very desirable thing on the part of the electors, because it would give them the benefit of another election.

707. Do you not think, after all, you throw the greatest obstacle in the way of bribery, if you convict a man of having been guilty of bribery, by defeating the object which the party had?—That is the present state of things. I would not only incapacitate him from sitting in this Parliament, but I would go the whole length of depriving him for ever of sitting in Parliament.

708. You say that is the present state of things; do you mean it is the present state of the law?—I mean it is the present state of the law, that a person who commits bribery is unseated in consequence of that bribery; the only consequence is, that he cannot sit for that place at the next election. I would go still further.

709. Do you think, in the present constitution of Committees of the House of Commons, and their mode of administering justice, that sufficient facilities are afforded for the detection of bribery before that tribunal?—I have previously answered that question, with reference to the difficulty of eliciting evidence from professional agents, or parties speaking to criminate themselves.

710. Do you not think greater difficulties are thrown in the way of the detection of bribery, by the practice of many committees in refusing proof of agency previous to entering into the proof of acts of bribery?—I do not think any difficulty arises with respect to that to a large extent. Unquestionably it is useless to prove bribery on the part of an individual, so as to affect a candidate, unless you show agency. Some committees have said, prove the bribery first, and you may connect it with the agents hereafter; others say, prove the agency first, and not till then will we allow you to go into the evidence of bribery.

711. If you were allowed to prove the acts of bribery first, do you not think the proof of agency would come out very frequently by the proof of the acts of bribery?—I think the fairest course is to establish the agency first and then establish the bribery, and not to take the bribery first, and raise perhaps unfair impressions in the minds of the Committee.

712. What modes of visitation on the voters at elections for boroughs would be, in your opinion, most effectual to deter the voters from taking bribes? Would it be by disfranchising the voters or disfranchising the constituency?—If the bribery was extensive, I would visit the offence upon the constituency; but if the bribery was shown merely with reference to the bribery of a small number of individuals, I would disfranchise the parties for ever, and I would punish them beyond in the severest way I could by fine or imprisonment on a conviction before a competent tribunal.

713. Suppose, instead of an election committee as it is now constituted, having the investigation of these matters, supposing cases of this nature had to be investigated before a single Judge, are you of opinion that such an alteration of the tribunal would render the commission of bribery without being discovered much more difficult than it now is?—I think the same difficulty would arise before every tribunal, whether it was that of a single Judge or a committee of eleven; but I would improve the rules of evidence of which I have spoken before; if you ask me my opinion of the justness of the decision to be arrived at by a tribunal as at present constituted

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constituted in comparison with that to be arrived at by a learned Judge hearing and then determining upon the evidence, I should infinitely prefer a single Judge to the present constitution of an election committee.

714. Should you think a jury of twelve men, under the direction of a Judge, chosen as juries usually are, would be a better tribunal for the investigation of bribery cases than any election committee usually is?—I do not think those matters of law which frequently arise with respect to the right of voting would be so proper a subject for the investigation of a jury; I would much rather myself prefer a tribunal consisting of three barristers (perhaps revising barristers, unconnected with the controverted election) of a given standing and station, to form a tribunal which would be influenced by the arguments of counsel, and whose character for integrity of proceeding would be unimpeachable. I unquestionably should prefer that kind of tribunal to the tribunal which is now found to exist, as the result of balloting in the House.

715. Then you do not think a Committee of the House of Commons the most competent tribunal for trying these questions?—I do not; I think a much preferable one might be resorted to; I think the operation of striking the brains out of the Committee (as it is called) common to the reduction by both parties, is very objectionable and unsatisfactory in its working.

716. Is not one great objection to bringing cases of bribery before a Committee of the House of Commons the great expense of bringing up the witnesses?—Yes, it is attended with tremendous expense; but there is a difficulty connected with the proper place of trial which I have very frequently thought of which is almost insuperable, because as the evidence of the facts can only be known by parties being summoned before the tribunal, there is a very great difficulty in saying that the investigation upon controverted elections shall take place in the country or at the particular borough or place where the election took place, inasmuch as it might be a very unfair place to have a trial on the merits. Such an objection only goes to the propriety of trying them by a Jury there.

717. Are you aware of any law that empowers a Committee to send a commission to Ireland to take evidence?—I am, and I am aware also that it is the general impression that the mode of proceeding in Dublin with respect to the investigation of the merits of the late election will last as long as Parliament itself.

718. Generally speaking, should you approve of the practice of sending a commission to take evidence on the spot?—I should, having barristers of eminence and station to preside.

719. Do you mean that you would approve of a commission merely to take evidence, and that all the evidence when taken should be brought before a Committee of the House of Commons? or would you approve of referring the whole question, both the consideration of the evidence and the decision upon that evidence, to the commission?—I would leave the whole merits of the case to such a tribunal of three learned commissioners of high standing.

720. Would it tend, in your opinion, to save expense, if you merely altered the system so far as to send a commission to take evidence upon the spot, and that evidence to be laid before a Committee of the House of Commons?—I think it would be a very considerable saving of expense; for instance, the expenses attending the Worcester election will far exceed the expenses of the contested election itself.

721. Do you not think the difficulties which you mentioned in the mode of trying these matters by a commission in Ireland might be easily avoided by a little care in legislation?—I think so.

722. What sum have you known to have been incurred in prosecuting or defending an election petition?—Several thousand pounds.

723. What is the average expense of a witness in London during the time he is kept here?—We calculate each witness upon an average to be 10*l.* including his travelling expenses from Worcester and his keep in town; we have made a calculation of each witness, and upon an average it will cost us at least 10*l.*

724. Does the sum of 10*l.* for each witness include the whole time you are forced to keep those witnesses in town?—Yes, upon an average; some stay a short time and others a long time; upon taking one with the other, we find it will cost at least 10*l.* per witness; that is the average.

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725. I UNDERSTAND you wish to add some particulars respecting a conversation which you had with Dr. King previous to the election?—Yes.

726. State what those particulars are?—On the Saturday before the election I was with him in the dining room; I was asked before whether I made any remonstrance to Dr. King on his intimating that I was to leave; I said to him I thought it was very hard, and mentioned to him that I had a wife and two children; and, on the Monday following, the day before the nomination day, when he sent to me to know whether I had circulated the report, I denied having circulated the report; and said, in the course of that day, that the conversation that took place between him and myself would be in print, and I was sure that there would be nothing in it but the truth.

727. You refer to the printed hand-bill of which you spoke at the former examination?—Yes.

728. Did he make any reply to this?—He said "Very well;" he then said, in a very pleasant manner, "Do you think now, James, you will vote for Mr. Rice?" I said, "Yes, Sir, after what has taken place I think I shall, but I will not make any promise," meaning that I would not make Mr. Rice's committee any promise to vote for him. At the time I went to Dr. King to ask for my character, whether he would give it me in writing, which he declined to do at the close of the conversation; he said, "I wish you distinctly to understand that I have no ill-will towards you, you will understand that;" I remember those words very well.

Mr. *John James*, called in; and Examined.

Mr. *John James.*

729. WHERE do you live?—At Stretton, three miles and a half from Hereford.

730. Are you a solicitor?—I have been one, and still continue to interfere in the election matters for my political friends.

731. Are those election matters of the county or of the city of Hereford?—The city only.

732. Have you had any practical experience as an election agent for the county of Hereford?—Formerly I have.

733. For what number of years?—The first material part I took in any election was in 1818.

734. Have you had any experience in the elections of Leominster?—In this way; from my knowledge of and acquaintance with the sitting Members, but not in the borough.

735. Have you had any concern with elections for any other place?—Before the passing of the Reform Bill I was applied to by some friends with reference to the borough of Weobly, but I found it was a close one, and it is now in Schedule (A.)

736. When was that?—In 1826.

Jovis, 9° die Aprilis, 1835.

SIR GEORGE GREY, BARONET, IN THE CHAIR.

Mr. *John James*, re-called in; and further Examined.

Mr. *John James.*
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737. WHEN was there a contested election for the city of Hereford?—In the month of January last.

738. Was there a contest at the election of 1832 also?—Yes.

739. Has the practice of treating been usual by opening public-houses in the city of Hereford previous to the testing of the writ?—Previous to the contested elections of 1826 and 1832 there was treating.

740. In what way?—Before the testing of the writ, persons in the interest of one particular candidate were invited to sup often at different public-houses in the interest of the candidate.

741. Were the invitations given by the political partisans, or the professed agent of the candidate?—I should say the political partisans; I only know that suppers took place.

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742. Have you any reason to believe that the expense of those suppers were paid for by the candidate, or the agents?—I have no doubt the whole expense of treating, previous to the election of 1826, was paid by the candidate; and I have strong reason to believe that the whole of the expenses of the treating that took place previous to the election of 1832 was not paid by the candidate, because I also believe there are certain outstanding debts now, but the debts were incurred by the political partisans of the then unsuccessful candidate.

743. Have entertainments been given after the election, as well as before?—Certainly not; my friends have always been the successful candidates.

744. Do you mean to say that the treating which you remember to have taken place in 1832, was not paid for at all, and that the bills are unpaid at this moment?—I believe this to be the fact, that the gentleman who was the unsuccessful candidate in 1826, was induced by his supporters to become such upon condition that if he was returned to Parliament he was to pay off; if, on the contrary, he was unsuccessful, the sum of 1,000 *l.*, or some such sum, was only to be paid, which did not cover the whole of his expenses.

745. Was treating of this kind had recourse to on the last contested election?—Certainly not.

746. Not by either of the candidates?—Certainly not; because we were not aware that a contest was contemplated till a few days before the day of nomination.

747. But was there not at the previous election to the last in the year 1832?—Yes, in 1832 there was treating by the unsuccessful candidate.

748. Was there none by the successful candidates?—I should really say none.

749. Do political partisans give many entertainments at their own expense, in the hope of influencing the votes of electors?—I should say not to any extent.

750. Has your attention been called at all to the Acts relating to corrupt practices at elections as far as regards treating?—It has, certainly.

751. Do you think the prohibition of treating should extend from the time of the holding the election to a period antecedent to the testing of the writ?—Decidedly so, it would be a great advantage and improvement if treating were done away with altogether.

752. By what enactment do you think treating could be done away with altogether?—By none, unless there was some declaration for the gentleman returned to Parliament to sign, by which he would subject himself to a heavy penalty if he paid for such treating.

753. Would you rely upon that declaration as creating the principal bar to the treating?—I cannot say that; you cannot prevent political partisans in the country doing every hour and moment at an election, according to the present Treating Act, something which the law has said shall amount to an offence.

754. Is it not the fact, that at this moment the treating, when it has gone on before the testing of the writ, is suspended immediately after that?—Just so, because treating now before the testing of the writ is no offence; the moment the writ is tested the offence begins.

755. Supposing the treating before the testing of the writ was made an offence exactly in the same manner as it is now after the testing of the writ, would it not be equally difficult to compel political partisans to abstain from it before, as it is now after?—I think so, but if the political partisans had to pay the expense of such treating, and the candidate was exonerated from it, and it should be made an offence in them to pay it, I think you will find very few political partisans treat to an alarming extent.

756. At the elections for the county of Hereford have the candidates gone to some expense in giving refreshments to the voters who came up to poll?—I think in 1818 we gave tickets of the value of 5*s.* enabling the parties to obtain 5*s.* worth of refreshments from some particular public-houses.

757. Was there a mutual agreement between the candidates that they should not consider that as an act of treating?—There was.

758. Were those tickets given when they came up to poll?—After they had polled, before they quitted the hustings, a ticket was given to each voter.

759. Was there a contest for the county, either in 1832 or 1834?—We have had no contest for the county since 1818 till the last election.

760. Have the tickets been given since there has been district polling?—The ticket was given in the district I attended.

761. By all sides?—By all sides, the four candidates.

762. Did any voter get more than one ticket?—Yes, I believe now the 5*s.* is rather

rather reduced, inasmuch as that if the voter gives a plumper he gets as many tickets as he would have had if he had voted for the two other candidates.

763. Does he get the value of three tickets?—Yes, he gets the value of three tickets.

764. What was the aggregate expense incurred by all the candidates at the last election?—I am not certain; I think about 3,000*l.* a-piece.

765. Would any candidate have had any chance of success for the county who had not issued tickets?—I should not think those tickets operated much.

766. You think without those tickets one of the four might have succeeded?—I think he would.

767. How many voters polled at the last election for the county of Hereford?—Between 4 and 5,000 I believe.

768. What proportion do you think of those accepted the tickets?—I cannot say; perhaps 3 or 400 did not.

769. You think all with the exception of 3 or 400 did?—Yes, but I was only in one polling district.

770. Did they give them money, or did they give them tickets which were paid for the meat and drink?—Refreshment tickets only.

771. For which the publicans charged a sum not exceeding 5*s*?—Not quite so much as that, not exceeding a certain sum.

772. Can you state the value of those tickets?—Not exactly; I rather think they were about 3*s.* each.

773. So that each voter would have 9*s.*?—Yes, or about that, but I cannot correctly state the amount.

774. Were those tickets given to persons who came from a distance only, or also to persons who voted within a few yards from their own door?—To all indiscriminately who would accept them.

775. Do you think the yeomanry would go to poll if these tickets were not given?—I think they would, for those who are not able to transport themselves, would be taken to the poll by their neighbours.

776. Are you of opinion that the yeomanry would be quite as ready to go to the poll for a man who did not give tickets as they would for a man who did?—There are some perhaps, but I think very few, who would prefer to vote for a gentleman who gave the tickets.

777. Is that the only mode of treating in the county of Hereford that you are cognizant of?—No, although in the year 1818 these tickets were given, the ticket-money formed but a very inconsiderable part of the whole expense of the election; the public-house bills for eating and drinking were very considerable, and they were paid, to my own knowledge, as they were settled by my then partner, Mr. Bodenham.

778. Were not the public-houses kept open during the election?—The public-house bills were very considerable in amount.

779. Was that in the county town, or in other parts?—The county town principally, for the polling took place then (in 1818) in the county town only.

780. Since the Reform Bill, at the polling places, have the public-houses been kept open in the interest of the candidate?—I should say not; but some bills on the score of treating must be incurred.

781. Has there been any refreshment-tickets given?—Yes.

782. Is treating to the same extent as before the present system of district polling was adopted?—No, certainly not, for there are only two days of polling now, and if you were to reduce those two days to one, there would be still less mischief.

783. At the last election for the county, was there any treating during the canvass?—I should say there was not any treating going on during the canvass.

784. Was there in 1818?—No.

785. There was, then, no treating during the canvass?—No.

786. Did not the candidate, when he canvassed a village, open the public-houses?—No.

787. You would not have recommended it?—Decidedly not. I should have avoided that expense to the candidate.

788. Are the publicans active partisans, in consequence of their houses being open, or from any other cause?—They are generally partisans, but whether from the considerations they receive by the treatings in their houses, and the expenditure of money, they are induced to become so, I cannot say.

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789. Are not the profits upon these tickets very large?—I do not know; I should think not very.

790. Do you know whether these tickets are actually given to the publican in exchange for refreshment, or that they are in any case sold by the parties?—I think, since the decision of the Hereford case, in 1801 or 1802, they have not been sold. I believe the gentleman who was returned to Parliament in 1802 was unseated, partly in consequence of these tickets being given and sold.

791. Then, are they paid into the hands of the publicans?—Yes; I have heard of no sale.

792. With reference to the boroughs with which you are cognizant in the county of Hereford, has treating been carried on to any great extent at elections, to your knowledge?—There is only one, the borough of Leominster.

793. How long have you known treating to go on there previously to the testing of the writ?—I think in 1826, for about 12 or 14 months.

794. In what shape?—In the shape of suppers, food and cider.

795. Has that practice been carried on equally by the different candidates?—I believe by the three candidates at that time.

796. As the time of the election approached, were the public-houses kept constantly open?—I think not.

797. Was the treating, in the form of suppers, given on particular days, once a week or twice a week?—Just so, and they always had a full house.

798. Was not cider given at any other time?—I cannot say.

799. Was the giving away of cider confined to the time of suppers, with respect to the election?—I think it was.

800. Did those suppers continue when the election was over?—No, I think not.

801. Were they suspended after the testing of the writ?—Yes, they are very particular about the testing of the writ at Leominster, because they have suffered several times upon offences committed after that period.

802. Is there any dinner or supper given on the return of the candidate to his friends?—A dinner to his carriers.

803. What do you mean by carriers?—The chairmen.

804. Is it considered illegal to give a dinner after the election?—No.

805. Is it not considered rather in the way of hospitality?—Yes.

806. Are the tickets for that dinner given to other persons?—Perhaps a few.

807. To whom are they given?—To a few of the supporters, to whom it may be inconvenient to purchase a ticket.

808. What is the value of that ticket?—Perhaps 14*s.*

809. Would the electors who voted for a candidate consider themselves aggrieved, if they had not the offer of these tickets?—Not in Hereford, certainly, but I rather think that in Leominster they give dinners, not tickets.

810. Do they invite all their supporters?—I believe so, but am not quite certain.

811. Are not these dinners given at the house of some publican, or hotel or innkeeper?—Yes.

812. How soon after the election?—The same day, or the succeeding one.

813. What would be the effect, as regards either treating before the election, or dinners and suppers after the election, if publicans were not permitted to have votes?—It would save candidates a considerable sum of money, prevent demoralization amongst the electors, and tend to secure the purity of election.

814. Do you not think, independently of the vote which the publicans might have, that their interest among the voters would still be a sufficient inducement for the candidate to endeavour to conciliate the publicans' favour, by giving entertainments at their houses?—I do not think it would.

815. Do you not think that one of the motives which a candidate has, in giving entertainments at the houses of the publicans, would be removed, if you took away the votes of the publican?—I think that the motive now, with which a candidate is actuated in treating, are twofold; one is to secure the vote of the publican, and the other is to secure the vote of the persons eating and drinking in his house.

816. Do you think that the disfranchisement of the publican would have any great effect in diminishing treating, as it is now carried on?—I have no doubt it would.

817. About how many publicans are there in the town of Hereford?—I think about 40.

818. And how many voters are there?—Eight hundred and eighty-eight registered.

819. You

819. You think there are about 40 publicans out of an aggregate constituency of about 900?—Yes.

820. Do you not estimate the influence of publicans over their friends and customers, independent of their votes, as being very considerable?—No, I think the influence is on the other side; the publican is more likely to be influenced by his customers than the customers by the publican.

821. Do you not find it is the practice of publicans frequently not to vote at all, for fear they should displease a class of customers?—No.

822. Do you think they generally vote?—I may say they do.

823. Since the passing of the Reform Bill, has there been any endeavour on the part of the candidates to do away with the entertainment after the elections?—No.

824. Do they continue to give the dinner?—Yes, in the way before stated.

825. Does the unsuccessful candidate as well as the successful candidate have a dinner after the election?—No, the successful candidate only.

826. Would not the expense to each of the successful candidates be about 900 times 14*s.*?—No, in the place where tickets are issued, a few of the candidates' supporters in a particular station of life would receive them.

827. Are not the poorer classes of voters entertained likewise at some public-house?—No, not in the city of Hereford.

828. Do not the unsuccessful candidates give tickets as well as the successful candidates at Hereford?—No.

829. Are not tickets given on his behalf?—No.

830. What do you apprehend the entertainment which is given by the successful candidate on the election day costs that candidate?—I cannot exactly say, but no very considerable sum, certainly.

831. And are no tickets given to the poor voters on that day?—No.

832. What does the constituency of the town of Hereford consist of, freemen or householders, or both?—Freemen registered, 431; householders, 457.

833. Are any of those freemen qualified also to vote as householders?—Yes.

834. What proportion of the 431 freemen do you think are occupiers of houses under 10*l.* in value?—I should say a very considerable number, but I cannot say how many.

835. Then have not most of them a double right to vote, both as freemen and 10*l.* householders?—Not most of them, certainly; because there are a great many freemen not occupying houses under 10*l.* value, and others provided for in hospitals; there are nearly 40 hospital-men.

836. How many of those 431 persons who are registered as freemen occupy houses of the value of 10*l.*?—I cannot say, but as I have before stated, a considerable number.

837. During the course of the election, either in Leominster or Hereford, is there any exhibition of drunkenness in the town in consequence of treating going on?—There has been at Hereford, certainly, but of Leominster I have no knowledge.

838. Is there any observable effect on the habits of the poorer class immediately afterwards, is it observable they are less regular and industrious?—I cannot say; not to my knowledge.

839. Now with regard to bribery, have you known bribery carried on to any extent in a county election?—No, not at all; the constituency is too large for any operation of that kind.

840. Have you ever had any experience of the last day of a hard contested election for a county?—Yes, it was a very severe contest in 1818 for a day or two.

841. Was it a very near run?—The two or three first days were.

842. Were the numbers pretty equal?—Pretty well; the contest in 1818 lasted three or four days; for the first two days the contest was rather severe, afterwards it was rather a hollow thing.

843. Under the present system, are the expenses paid of voters coming from a place at a distance to poll by the candidates?—Coaches were provided at the polling districts at Hereford by the candidates, I believe.

844. Do you know any other?—I do not.

845. Do you know the expenses incurred by any one candidate on account of travelling expenses?—I do not.

846. Do you think it considerable?—Not very considerable.

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847. Was any mileage allowed to persons who came on their horses or in vehicles?—Nothing further than refreshment tickets, I should imagine.

848. Was nothing allowed for loss of time?—Nothing, to my knowledge.

849. Were they ever paid any sum of money for attending on the nomination days?—No, I should say not.

850. Were there any persons hired by the committees of the candidates to carry flags?—I cannot say about the flags, but there were constables and a band.

851. Was there a considerable number?—Not very considerable.

852. Did those persons so hired vote at the election?—No, I should think they were not freeholders.

853. With regard to the city of Hereford, can you state any circumstance connected with bribery at elections, of which you have been personally cognizant?—I believe bribery to have existed at Hereford.

854. Since the passing of the Reform Bill?—Yes, and to a much more considerable extent than before.

855. To what do you attribute its existing to a more alarming extent since the passing the Reform Bill?—To the great desire the conservatives had to secure the election of their political friend.

856. Do you allude to the two last elections?—Yes.

857. Has the bribery you speak of been direct or indirect, or both?—Direct and indirect, both.

858. In what mode has the direct bribery been carried on, so as to evade the statute?—I must beg leave to decline answering that question.

859. Do you mean that direct bribery has been done to a voter previous to the election, in order to induce him to vote for a particular candidate?—Yes, I apprehend so.

860. Do you mean that money has been paid previous to the election?—Certainly.

861. Has it been in the form of gift or loan?—Both; on one side only by way of loan.

862. Was it the political partisans that generally advanced the money on loan?—Yes; I believe a banker was the person who furnished the money.

863. Were those loans ever repaid?—I cannot speak as to all, but some certainly were not.

864. Were promissory notes or bonds given for the amount?—Promissory notes were given.

865. Have you known payment ever demanded?—Yes, and the parties arrested.

866. In those instances in which you have known the payment demanded, and the parties arrested, have the parties receiving the loan and who were called upon to repay the loan voted for that particular candidate or not?—No, he has voted against the candidate.

867. Have you known the payment of a loan demanded in any case where the party receiving the loan voted for the candidate on whose behalf he received it?—No, I know nothing of the kind.

868. Then was not the promissory note a security for the vote?—Yes, it must have been considered as such security.

869. In those cases where the parties have been arrested in the way you mentioned, were the parties by whom the loans were advanced the bankers of the place?—The notes were given to the solicitor who conducted the election, but I have stated that sums of money were considered to come from a banker.

870. Can you state any thing as to the amount of those loans?—One cheque brought to Messrs. Bodenham & Co. a week before the election, was to the amount of 33*l.*

871. What class of voters was it who received those loans?—The man that received the cheque was an Irishman, who lived in a 10*l.* house, and who was a little tradesman.

872. Did he receive the cheque, and give his note of hand for the sum?—He did.

873. Besides money paid, have you known of promises to pay from the candidate or the agent or friend of the candidate, to any of the voters?—I have known several promises made to that effect, and in particular, I know a promise was made to one man at the last election, that he should be set up in business if he would break the promise which he had made.

874. In that case was the promise carried into effect?—No, the man voted for the

the other side; but the promise to set him up in business has not been kept, and the man complains. There were two promises broken, the one the promise made by the voter, and the other the promise made to the voter by the gentleman.

875. You stated that bribery was carried on by loans on one side, how is it conducted on the other?—Not by loans, certainly.

876. Has the system of bribery by loans been general?—On one side to a considerable extent.

877. Has the bribery at the places within your knowledge, on behalf of the particular candidates, been conducted by one individual as an agent for that purpose?—Certainly not; many persons are employed.

878. Is that with a view of rendering detection more difficult?—Not exactly.

879. What is the object of employing more persons than one?—There are several reasons why several are employed; a certain class of persons are more accessible to one than another.

880. Has the system prevailed of paying money after the election for the votes given?—To a very small amount.

881. Before the passing the Reform Bill, was it the practice of giving so much money for each vote given?—It was scarcely known what bribery was before the passing of the ReformBill in one of the places of which I have spoken.

882. Was that because politics did not run high?—Yes, they did run high.

883. Then how do you account for that, if politics ran high both before and after the passing of the Reform Bill, how do you account for bribery being more practised since the passing of the Reform Bill?—Before the passing of the Reform Bill, the whole constituency of Hereford consisted of freemen, men that were considerably under the management of the corporation, and others in a better class of life who voted from principle, and therefore would not take a bribe, and the out-voters in London made an important difference, we took them down in great numbers and kept them well.

884. Did the out-voters in London, under that system, receive bribes at all?—I cannot exactly say that; they were kept well.

885. Can you form any estimate of the comparative expense of a contest for the borough of which you are speaking, previous to the passing the Reform Bill, and since?—The expense to the unsuccessful candidate in 1826 was about 14,000*l.* and to the successful candidate between 6,000*l.* and 7,000*l.*

886. As compared with 1826, what was the expense of the last election or the last but one?—The last but one cost 2,500 *l.* as near as may be.

887. And what was the last?—The last cost between 1,400 *l.* and 1,500*l.*

888. What was the comparative number of electors?—I think about 900 polled in 1826.

889. And did nearly the same number poll at the last election?—Yes.

890. How long was the poll kept open in 1826?—I think seven days.

891. In one of those boroughs, what proportion of the electors do you believe to be accessible to bribery?—I would say from 100 to 150.

892. Do you speak of voters accessible to direct bribery?—Direct and indirect.

893. What are the modes of indirect bribery to which you have adverted?—There are a great variety of them.

894. Specify some of them?—Inducements to a voter to record his vote against his conscience by a promise of custom, and if he be a poor freeman, by the promise of the hospital; and by distributing among other freemen also the funds of charities to a large amount which our corporation possess; and I find clergymen not only the most persevering and unscrupulous canvassers, but also the best keepers of their promises in not continuing their custom, or otherwise.

895. Do you mean that when a clergyman threatens to take away his custom he executes that threat more heroically than other persons do?—Yes: he always fulfils his promise.

896. Are you speaking of the particular class of clergymen within your own cognizance?—Yes.

897–8. What do you mean by unscrupulous?—A clergyman generally is a good political partisan; a voter cannot get rid of him; he is not satisfied with the voter's saying, I cannot vote for your friend, because I prefer the political principles of the other gentleman; he is not content with that, but he brings all his influence to bear to an immense extent.

899. Do you mean by unscrupulous canvasser a man who would not be satisfied with

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with the first answer, but who would follow it up?—Decidedly, by threats made that the clergyman's custom should be withdrawn and the custom of all others over whom he has any influence, and it has been done.

900. Under whose control are the hospitals you spoke of?—Under the control of the corporation.

901. How many are there?—There are four hospitals under the corporation, and one under a gentleman, who is also of the same political principles as the corporation.

902. Do you mean that when indirect bribery is carried on by means of those hospitals, that persons are admitted to the hospitals or almshouses in consequence of the votes which they give?—Just so, as fast as they can fulfil their promises.

903 How many persons do the hospitals or almshouses contain?—Twenty-eight I think.

904. Do they altogether contain twenty-eight poor men?—Yes.

905. How many vacancies are there in a year upon an average?—I cannot exactly say how many; there are some vacancies to be filled up in every year.

906. Is it an understood thing among those freemen that the only way of obtaining admission into those hospitals is by voting according to the presumed wishes of the corporation?—It is.

907. Do you believe that the majority of persons in those hospitals have been admitted in consequence of their votes at elections?—Not the majority, but the whole of them, with the exception of one individual.

908. Was there any particular reason for making that exception as to that one individual?—Yes; I have no doubt there was.

909. Is any thing paid for the admission of freemen?—Yes, there is.

910. Since the passing of the Reform Bill, has there been any payment on the part of the candidates for the admission of freemen?—None at all, because none have applied.

911. Previous to the passing of the Reform Bill, are you aware that any expense was incurred by the candidate for the admission of freemen with a view to their votes at the election?—I know money was paid at that period for such purpose.

912. What was the admission fee?—About 2*l.* I think.

913. How do you account for the practice having been discontinued since the passing of the Reform Bill?—From the want of freemen to be admitted.

914. Why are not freemen as much willing and ready to be admitted now as they were prior to the passing of the Reform Bill?—Because the mode of obtaining their freedom by marriage is done away with; it can only be by birth or servitude for the purpose of an election.

915. Are there not the sons of freemen, and also apprentices just coming out of their time, to whom the same assistance might be extended now as was prior to the passing of the Reform Bill?—Certainly; in answer to the first part of the question, as to obtaining freedom by birth, the eldest sons of freemen not resident do not apply, because their fathers are not registered.

916. Does not the diminution arise from two sources, from the abolition of obtaining freedom by marriage and the abolition of non-resident freemen?—Yes, and also the custom is very much diminished of binding apprentices for seven years. A man to obtain freedom by apprenticeship must serve his apprenticeship to a freeman, and not an elector.

917. According to what you state, there would be a tendency to diminish the number of voters as freemen from year to year?—Yes.

918. Has there been any diminution of the number of persons qualified to vote as freemen, for the two or three years that have elapsed since the passing of the Reform Bill?—Yes.

919. Can you state what number of freemen were registered the first year after passing the Reform Bill, as freemen, to vote?—I think about 450.

920. Can you state how many freemen were registered at the last registration as electors?—Four hundred and thirty-one.

921. With regard to the payment of rates since the passing the Reform Bill, has any indirect bribery been committed by means of paying rates by the candidates, in order to qualify voters to vote at the election?—Not to any amount worth talking about in the city of Hereford.

922. In Leominster?—I believe some payment on that score has taken place in Leominster.

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923. Has that expense been incurred previous to the registration of the voters?—Yes, in a certain borough, for the purpose of registration.

924. Do you know what amount of expense has been incurred for that purpose?—I cannot state the exact amount.

925. Is there a resident agent at the boroughs you are acquainted with?—There is an agent in Leominster.

926. How is it that there is no such practice in Hereford?—It was objected to.

927. Does the agent in those cases think it worth his while, for the purpose of keeping up political influence among a certain party, either to give or lend money to the voters for the payment of rates, in order to secure their registration?—Certainly, in the borough; in the city not.

928. Does it not happen that cases arise in the city, in which these householders have abstained from paying the rates under the idea that assistance would be afforded them for the purpose?—It was not thought proper to resort to that measure in Hereford.

929. If previous to the time of registration an election was expected very soon to happen, would it not be thought worth while to advance money, by loan or gift, in such a case?—Never having been placed in the situation where that contingency was likely to arise, I cannot state.

930. What is the right of voting in the parish of Leominster?—Scot and lot.

931. Do you know what portion of the scot and lot voters would also be voters by right of the occupancy of 10*l.* houses?—I do not know.

932. Do you know what is the whole constituency of Leominster?—Between seven and eight hundred.

933. Are there a considerable number in Leominster who would not be 10*l.* householders?—Yes.

934. Do you think there are 200?—There may be, but I cannot say.

935. Is it principally among those persons that the rates are paid, or among the 10*l.* householders?—I know nothing of that.

936. Can you state any other mode by which bribery is carried on indirectly by the corporation?—Yes; by the filling up of the hospitals, by the expectation of persons who are looking to fill the situation of almsmen, by the appointment of their porters, jailors, and officers of every description, all freemen, and they have large sums to give away annually, and I think from their influence they can, with themselves (31), make nearly 150 votes.

937. Is the corporation 31 in number?—Yes.

938. Is it a self-elected corporation?—Yes.

939. Do you think what you have referred to, the hospital, and charitable gifts, and the appointments you have mentioned, are made subservient by the corporation to election purposes?—Yes, altogether.

940. Have the corporation any house property in the borough?—Yes; some house property.

941. Are they in the habit of granting beneficial leases of houses in that way to influence electors?—I think not.

942. Can you state the total amount of the charitable funds or endowments, or gifts of any kind, which the corporation have the disposal of?—I cannot; but very considerable; the whole of which can be ascertained by the Municipal Commissioners' Notes.

943. Is not excusing people from the payment of rent used as a means of indirectly bribing them?—I cannot say; but I have known instances of money being applied for by the voters to be applied for such purpose.

944. Have you known of such application being complied with, and the money advanced for the payment of rent, to induce the voter to give his vote?—Perhaps so.

945. Has much exclusive dealing or promise of exclusive dealing taken place at Hereford whereby votes have been influenced?—A great deal of promise of exclusive dealing and threats to take away custom prevailed at the last election as well as the election in 1832.

946. Were those threats or promises of exclusive dealing resorted to on both sides at the last two elections?—No, certainly not.

947. By which side were they resorted to?—By the conservative side.

948. Does the corporation usually adopt the same side, the side you referred to in your last answer?—Yes; I believe there are thirty conservatives to one liberal.

949. Did I understand you to say that the direct bribery was general?—The direct bribery is considerable.

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950. Is it confined to one side?—Oh, no.

951. Has the indirect bribery, by the means you have stated, been carried on on one side more than the other, or is it also general?—On one side only.

952. Had the side who did not choose the indirect means to bribe, the means of using it if they wished?—Certainly the opposite political partisans had a right to use the exclusive dealing if they thought fit.

953. Was it so with respect to the charities?—No; we have nothing at all to do with the charities or hospitals, they are all under the absolute control of the corporation.

954. Then has not the corporation the means of influencing voters which the other side have not?—Certainly, to a very large amount.

955. Have you been present at the poll since the Reform Bill in the borough when the electors came up to vote?—Yes.

956. Has it been the practice at either or both of those elections to administer the bribery oath?—I think in two or three instances I have seen the bribery oath demanded and tendered.

957 What is the reason why the bribery oath has not been generally administered?—Because, although I may have suspected the voters frequently have received bribes, I would not tender the oath, which I believe is never refused under any circumstances.

958. Has there been any previous agreement between the candidates and their committees or their agents not to require the bribery oath to be put?—Nothing of the kind.

959. Have you seen the bribery oath refused by those to whom it has been tendered?—Never; I believe the man who takes the money will always take the oath.

960. Do you consider the bribery oath is an effectual remedy against the commission of bribery?—No.

961. At the county election has the bribery oath ever been put to your knowledge?—Not to my knowledge.

962. Have you ever known the bribery oath administered for the purpose of creating delay on either side?—No, I have not.

963. Have you ever known the bribery oath to be put in consequence of a private communication made by the party bribed, who wished to disqualify himself from voting?—Never.

964. Have you directed your attention at all to the Bribery Act of the 2d Geo. 2. c. 24?—Yes.

965. Do you wish to make any observation upon section 8 of that Act which indemnifies the discoverer upon the conviction of the party discovered within twelve months?—I should be glad to see that clause repealed by the Legislature; it may be an inducement to persons to commit crimes under that particular clause if they are allowed to escape by the mere conviction of another offender, which may be collusive and friendly for the purpose of protection.

966. Have you frequently known persons avail themselves of that indemnity?—I have not.

967. Have you ever had occasion to prosecute a petition upon the subject of bribery before a Committee of the House of Commons?—Never.

968. Have you ever had occasion to bring an action for bribery?—Never; the reason we have never been called upon in Hereford to punish bribery is that we have always been successful.

969. Have you ever had occasion to turn your mind at all to the subject of obtaining evidence in cases of bribery?—Certainly not; I was never called upon to do that.

970. Have you ever had to defend a petition or an action?—Never.

971. Have you ever known intimidation practised to any extent at a county election?—Yes; by landlords over their tenants.

972. In what way have they exercised that intimidation?—By insisting upon their voting as the landlord wished, and it was perfectly understood by them that they would lose their farms if they voted contrary to the wishes or inclinations of their landlords.

973. Are you able to state whether the majority of the farmers in the county of Hereford hold their farms upon lease or are tenants at will?—It is a very rare thing indeed in the county of Hereford for a farmer to have a lease.

974. Do you know that there was a feeling and apprehension in the mind of the tenant

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tenant as to the consequences of his voting against the wishes of his landlord?—Yes, and I will give a reason. A section of the tenantry of a considerable landed proprietor in our county promised to support certain candidates, and after the breaking out of the contest I was applied to upon the subject, with a statement that they could not fulfil their promises, inasmuch as they were compelled to vote on the contrary side by their landlord. I immediately said, "Think no more of your promise to me; I cannot place you all in farms; you may be turned out if you displease your landlord; pray do as you please; vote as your landlord wishes;" which they did.

975. Were they a considerable number of persons?—No, not considerable, but two or three.

976. Is it a general habit to canvass tenantry to vote in a way considered contrary to the way the landlord would vote?—Certainly not.

977. Is that intimidation you have spoken of on the part of the landlord general, irrespective of political opinion?—I do not know to what extent such intimidation extends, but tenants generally vote in the same way their landlords do.

978. Is it confined to one class of political partisans or generally; as respects political partisans, is it common as between landlord and tenant?—It is a common practice generally.

979. If you know for instance that the landlord takes a very decided and influential part against you, you would think it almost useless to canvass his tenantry?—Pretty nearly so, but not altogether.

980. Is it difficult to obtain a farm in the county of Hereford?—Yes, a stranger coming into the county of Hereford to get an estate, would, I think, have some difficulty in procuring a good one.

981. Are you able to state any instance in which a tenant has been turned out of his farm in consequence of voting contrary to the wishes of his landlord?—I do not recollect any instance in Herefordshire, but I can state an instance in the adjoining county; a tenant lost his farm in the adjoining county for not voting as his landlord wished; my information was obtained from the tenant himself, who wished not to be registered in his new farm, fearful that he might again get into some difficulty with his landlord in respect to voting.

982. Do you know whether any considerable number of farmers abstained from having their votes registered, in order to avoid the compulsion you have spoken of?—I know of an instance or two, but not to any very great extent; within my knowledge many neglected or avoided to be registered on account of the payment of the shilling.

983. Is this species of influence exercised by landlords on both sides of politics?—Certainly.

984. With regard to the modes in which intimidation is practised in the borough, will you state the different forms in which it exists?—Intimidation is practised in towns by the threat of taking away your own custom, and by inducing others, over whom you have influence, to take away theirs too, and by a general threat of doing all the injury to the tradesman within the range of your power.

985. Do the licensing magistrates exercise any influence over publicans?—They have the power of suspension and granting, and it is fair to presume they do.

986. Who are the licensing magistrates in Hereford?—The aldermen of the city.

987. Does the fear of the loss of their licenses act upon publicans?—I have no doubt it does; I have known an instance where a man in Hereford supported the corporation, and who stated to me that the only reason they voted against us was, that he was promised a license for his house.

988. Do you think the fear of losing their license acts upon publicans with respect to the county as well as the borough?—No, I should say not, as to the county.

989. Do you think the fear of losing the license operates in a great degree to counterbalance the effect upon publicans, which you have before spoken of, arising out of the system of treating?—I think the fear of losing the license, or rather the natural anxiety for publicans to stand well with the magistrates, in the event supposing any complaint is made to the magistrate against a publican for having kept his house open beyond a certain hour, or for doing any thing improper in his house, if he votes the same way with the magistrate he may come off better than if he voted in a contrary way.

990. Do the gentlemen in the neighbourhood of the city of Hereford interfere much?—They do, very much.

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991. By threats to tradesmen of the loss of custom?—Yes.

992. What class of tradesmen are they principally operated upon in this way?—Retail tradesmen.

993. Smiths and saddlers?—Yes, hatters, grocers, tinmen and that description of tradesmen, and ladies' shoemakers.

994. Have you known instances of any threats having been carried into effect subsequently to the election?—I have.

995. Extensively?—Yes.

996. Has it been to the serious injury of certain individuals?—Yes, of many persons.

997. Does that effect generally last for a length of time, or is it transitory?—Not transitory.

998. Do they assign a reason for taking away the custom?—In a variety of instances they assign a reason, but in the greater variety of instances they act silently.

999. Has the corporation any means of exercising intimidation over freemen, as freemen?—Yes, and I will name an instance of a freeman making an application to an alderman for his support to obtain some object which he had in view, when he was desired to sit down in the alderman's hall till he could refer to the poll-book; upon referring to the poll-book he found the applicant had voted against the corporation at the last election, when he was dismissed, and told that he, the alderman, only supported his friends; he only supported those who supported him.

1000. Was that support to enable him to get in an almshouse?—It was to obtain something in the gift of the corporation.

1001. Do the dean and chapter exercise much influence?—Yes, I think they do.

1002. Are there many masons and artisans employed in the cathedral?—There must be certainly.

1003. How many resident canons or prebendaries are there at Hereford?—Only one resident canon at a time I believe.

1004. Are they gentlemen who generally carry their threats into effect?—Indeed I believe they are.

1005. Do you know of any instance in which they have carried their threats into execution?—One, I believe.

1006. Do you know of any instance in which a tradesman having refused to vote for the candidate canvassed for by one of these gentlemen, that that tradesman has been deprived of his custom?—Yes, I do; there was an election dispute between a voter and some clergymen about his vote, and I think one of the canons was implicated or named in the matter.

1007. What was the man?—A painter and glazier.

1008. Was that at the last election?—No, in 1832.

1009. Is the tradesman who is threatened by the clergymen with the loss of custom, convinced that that threat is more likely to be executed than if it was given by any other man?—Yes, I have reason to believe he is.

1010. Do the clergymen in the country parishes in the neighbourhood canvass much during the election for the city of Hereford?—Yes, the country clergyman interferes in the city, and in his immediate neighbourhood.

1011. Do they canvass their own tradesmen?—Yes, and their friends' tradesmen; they canvass all they can.

1012. Are they most active canvassers?—Decidedly.

1013. Do ladies canvass much in Hereford?—I think not; whatever they do, it is not openly.

1014. Is there much desire on the part of the electors of the city of Hereford for the ballot?—Yes, there is a very growing wish for it; it is supported in Hereford by a very considerable number of persons of wealth, influence and intelligence.

1015. Do you conceive the ballot would be the prevention of bribery?—Perhaps not an absolute prevention. I know nothing that will prevent one man receiving money whilst another man is willing to give it him; but I think it would diminish it, and I would say it would almost cut bribery up by the roots.

1016. Then, is it your opinion that the ballot would go a great way to cut up bribery, but that there might be means found to evade it and to practise bribery, notwithstanding the ballot?—Yes, it might not cure bribery altogether, but I am sure it would go a great way towards destroying it.

1017. Would it not create a great difficulty in the way of bribing?—Certainly it

it would create a great difficulty, because no person, I think, would give to another who would receive a bribe, a sum of money to do an act which he promised to do for the money, when there would be no power of knowing whether that promise of his was performed or not, save on the word of a man whose word would be worth little.

1018. Supposing a man to advance a loan to a voter previous to the election, telling him that the payment would not be demanded in the event of his being returned to Parliament for that place; would the ballot prevent that mode of bribery?—Never having seen the operation of the ballot, I am not prepared to give an answer to that question, but I think no gentleman who had a fair chance of success would really venture to lend his money upon such a security as that.

1019. Do you not think it would put an end to bribery by individuals separately?—No doubt of it.

1020. Do you think bribery would be still carried on by clubs?—I have not had any experience of clubs.

1021. Have you had any experience of the ballot?—Certainly not; but if it works well in France and America, I see no reason why it should not do so in England.

1022. Have you had any experience of the ballot in other elections than those for Members of Parliament?—No.

1023. Supposing that the polling was confined to one day, and that it was not known how the polling was going on until the final result was declared, would not the keeping secret the voting, and the keeping the progress of the poll secret, prevent persons, where there was a closely contested election, from bribing in a wholesale way a small corrupt minority of voters whose votes would turn the scale of the election?—Certainly, ignorance of the state of the poll would prevent bribery, and I have always calculated that this secrecy as to the progress of the poll would be kept, and no particulars known until the final close, and the ballot box opened; and if so, no candidate in a perfect state of ignorance would know what number to bribe; and votes are such a commodity that it may happen that more were bought than necessary.

1024. Is it not also a dangerous commodity to purchase?—Yes.

1025. Suppose a numerous constituency and a closely contested election which might be carried by a very small number of voters; if you knew the state of the poll, might it not be worth your while to purchase the whole of that small number?—Certainly, under the above circumstances it might so.

1026. I have supposed that it is a large constituency, but that it is a closely contested election; if you knew the progress of the poll during the polling and the election may be turned by a very small number of voters, may it not be worth the while of the candidate to purchase that whole number?—Certainly, it being always worth the while of a gentleman to purchase his return.

1027. In that case supposing there were voting by ballot, but that the progress of the poll is known, and you know who are voters unpolled, might it not be worth the while of the candidate, though there was the ballot, to offer a sum of money to the whole of that small number of unpolled voters?—Certainly it might be worth the while of a candidate to offer a sum of money to that small body of voters.

1028. Suppose he were to say to that small body of unpolled voters, I will distribute a sum of money amongst you provided I am returned?—That may be done, and with effect, but it would be prevented, I think, by the want of knowledge how the poll stood, which ought to be the case in the adoption of the ballot.

1029. Are they not the most corrupt voters who generally, under the system of open voting, hold back?—Certainly.

1030. Supposing there was a probability of getting a bribe in this way, they would be the most corrupt voters who would hold back?—Certainly, if there is any reason to hold back, it generally arises from the circumstance of their expecting a bribe, or from being fearful of voting lest they should give offence to their customers.

1031. Do you not think the best mode of rendering the ballot efficient would be at the same time to keep unknown the progress of the poll until the final result was declared?—Certainly, and it ought to be part and parcel of the system of the ballot.

1032. Do you think any system can be devised by which it can be concealed during the progress of polling what voters did vote and what remained unpolled?—I think it could be devised that the poll could be taken in perfect secrecy till the end; the state of the poll would not be known, nor would it be known how each voter voted.

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1033. Would it be known whether each voter had voted, or whether he had not voted?—No, I think nothing could be devised to do that.

1034. Would that not be necessarily connected with the ballot?—Yes; the ballot ought to be from the beginning of elections to the end perfectly secret.

1035. Can you devise any other remedy for this form of intimidation, which consists in the customer depriving the tradesman of his custom, than the ballot, without interfering with the freedom of the dealing between one man and another?—Certainly I know of no power on earth that could do so.

1036. Is that the only remedy?—Decidedly, as every gentleman has a right to lay out his money wherever and with whom he pleases.

1037. And has not a landlord a right to deal with his tenant as he pleases?—Yes, perhaps, he has a strict right to do as he likes with his own, but it is a very injurious one to the interest of the country.

1038. Do you think the system of canvassing would be prevented by the ballot?—Certainly, I think if there was the ballot there would be no canvassing at all, but it would be dispensed with.

1039. Do you mean the canvassing by individuals would be dispensed with?—Yes.

1040. Do you think it would prevent the demonstration of one party, the formation of clubs, to set forth the pretensions of different candidates?—It would be impossible to do so, for this reason, that a gentleman who goes as a stranger to a place, how are his political opinions to be known, if you prevent the demonstration or development of them.

1041. In point of fact, would not the effect of the ballot be to leave open the means of canvassing in a fair way, but to prevent the use of undue influence over the will and conscience of the voters in the course of the canvass?—Just so.

1042. Has it been the practice in elections, within your knowledge, to form committees on behalf of the different candidates?—Not till 1832. A committee then formed by several respectable persons, and of their accord, in consequence of an act which took place in our city in 1832, the excitement was so great in the town in consequence of it, that there was a committee formed of the respectable persons of the town, which was done in consequence of the conduct on the other side to carry the election.

1043. In consequence of what act was that?—I employed a person who was in the office of my late partners, Messrs. Bodenham & Co., to sign the notices of objection to voters required by the Reform Act; the 50th clause of the Reform Act states, that the person signing the notices of objections shall appear before the revising barrister, or some one on his behalf, otherwise the name of the person so objected to shall remain on the register; that person was removed from Hereford by the other party, for the purpose of preventing his appearing before the barrister; but he had given me authority to appear for him, and it was necessary that he should therefore appear before the revising barrister to withdraw his objection. The agent of the other party appeared before such revising barrister with a power of attorney, signed by the clerk, authorising him to appear before the revising barrister as his attorney, and to do all and every act that he could do there himself, and he withdrew or cancelled any authority he had given to me. The agent, who was the attorney, did appear before the revising barrister, and withdrew all the objections which the signer of the notices was supposed to have, by which means the names of about 50 improper voters remained upon the registration, and voted, or might have voted at the election of 1832. I petitioned the House of Commons upon the subject.

1044. And was the result of that the formation of these clubs?—The formation of one Committee.

1045. I want to know, whether at the election in the borough you have mentioned it is the practice to form committees on behalf of the respective candidates?—No, with the exception of the committee formed in 1832.

1046. Would the ballot be any protection to the committee-man?—No, because his partisanship is distinctly avowed, and clearly seen, by his attending the committee.

1047. If there was the ballot, could not the landlord say to his tenant, "Do not go to the poll?"—He could desire his tenant to do so, as a matter of course, but the ballot would enable the tenant to vote as he thought most agreeable to his conscience, without any regard to his landlord's intimidation or threats.

1048. Is it not a less evil to make a man not vote at all, than to make him vote against

against his conscience?—Decidedly it is; it is even a less evil or crime, I think, for a man to forfeit his promise, than to vote against his own conscience. Mr. *John James.* 9 April 1835.

1049. If the farmer is prevented from going to the poll, instead of being driven to the poll to give his vote in accordance with the wishes of his landlord, is not half the object of the landlord frustrated by the ballot?—Certainly.

1050. Is there much desire on the part of the tenantry in the country to have the protection of the ballot?—It is very considerable amongst that part of the tenantry within my knowledge.

1051. Is the feeling very strong in the city?—Very strong indeed; and it is a rising and growing feeling and desire.

1052. Did any tradesmen in the city decline to register their votes in consequence of the apprehension of being threatened?—It is not in the power of any man to decline registering his vote in a city.

1053. Did a considerable number of the registered voters decline voting at all?—Yes.

1054. Can you state the number who voted at the last election?—Yes; about 810 or 812.

1055. Out of the 888 registered voters, how many do you suppose were actually competent to vote at the last election?—I should think 865.

1056. Then of the 50 who might have voted and did not vote, do you believe a considerable portion were deterred from voting in consequence of their apprehension of the consequences?—They were deterred from voting, because, I have been told, that they were requested by gentlemen who dealt with them on the other side, for their principles were well known to be so solid as to afford no hope that they would go over to vote for the other side, so all the benefit they could get from them was not to vote at all. I do not know how many, but a great number of tradesmen on being canvassed gave this answer, "Certainly we cannot think of voting for the Tories, that is quite out of the question; but we have been so injured by having supported the liberal candidates at the last election, that under no circumstances will we vote at all if we can possibly avoid it." The observation to them was, "You would not like us to lose the election, would you?" They said, "Oh, no; but we beg and entreat that you will not call upon us to vote if you can possibly do without us, and then we shall not give offence or run the risk of sustaining any injury."

1057. How did the poll stand on the first day?—The Tories were 28 or 29 ahead. Then it was necessary, painful as it is always to put any man in a situation by which he will sustain injury, but we were bound to ask them to poll, we were bound to poll them, and to my knowledge a great number have already suffered, and I expect fully they will suffer hereafter.

1058. After an election, is there much angry feeling and animosity left behind at Hereford?—Undoubtedly there is.

1059. Have those persons in Hereford, who have not votes, have they exhibited their political opinions by exclusive dealing?—No, they have not; all they have said is, that if exclusive dealing is to go on, unpleasant as it is to them, they will be driven to it, but they have not yet come to it.

1060. Do you believe, that of the county voters a considerable proportion declined to vote at all, because of being apprehensive of the consequences to themselves, in case they mixed themselves up with political matters?—I have not sufficient knowledge to speak on this subject.

Lunæ, 13° *die Aprilis*, 1835.

SIR GEORGE GREY, BARONET, IN THE CHAIR.

Mr. *Thomas Ball Troughton*, called in; and Examined.

1061. ARE you resident at Coventry?—I am. Mr. *T. B. Troughton.* 13 April 1835.

1062. How long have you resided there?—All my life.

1063. Have you had experience in elections of Members of Parliament for Coventry?—Yes, I have taken great interest in them since 1818.

1064. Have you taken an interest in elections from 1818 down to the last election, two months ago?—I have.

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1065. Have you always taken an interest on one side?—Invariably.

1066. Have you been concerned in the management of the elections on behalf of the candidate opposed to the corporation?—Yes, I have taken a great interest in it.

1067. Have you had the direction of the proceedings up to a certain extent?—Yes, to a certain extent, I have.

1068. Has there been, in any election of which you have knowledge, any or much bribery?—I believe there has been no direct bribery; I am not aware of any direct bribery.

1069. Has there been any indirect mode of influencing voters practised?—Treating has certainly been adopted on both sides.

1070. Has the treating been to a considerable extent on both sides?—I should say not to so great an extent as it is in many places; it has generally consisted of ale drinking, and what is called buttered ale.

1071. Have the public-houses been kept open at the expense either of the candidates or their partisans?—Yes, but I should say that I do not think at Coventry, as far as my own knowledge goes, there is unlimited treating on our part; that is a practice I have kept very much aloof from; I cannot speak with any great certainty upon that point; the point to which I would wish to direct the attention of the Committee is the practice of paying for the admission of freemen.

1072. State what you know with respect to that?—I should perhaps state, first of all, that at Coventry, by the local Act, the freemen are compelled to send in their claims on the first Tuesday of the month, and they are to be admitted on the last Tuesday of the month; and between the first Tuesday and the last Tuesday it has been the custom for canvassing to go on amongst the persons who have or who claim to have the right of being admitted, and they have been paid for on both sides.

1073. What sum has it been usual to pay, or what sum have you known paid for the admission of each individual freeman?—It is regulated by Act of Parliament—1*l.* 3*s.* 6*d.*: 1*l.* 0*s.* 6*d.* for the stamp and the parchment, and 3*s.* fees, paid to the town-clerk for the admission.

1074. Are those the entire fees charged upon the admission?—Yes.

1075. Is it the custom for the candidates on both sides to defray the entire expense?—No, but it has been paid for, I believe; it was paid for many years by the corporation on the one side, and a club was formed in the opposite interest, and it was paid for by subscriptions from that club. I am speaking of the party I take an interest in. We have not paid it to my knowledge for the last three or four years; it has been paid for on the other side, and we certainly have lost voters in consequence of not having paid it. It was understood that they were to vote for the side of the persons who paid it, and I have known instances of persons whose admissions have been paid for by the corporation party, that have come over to our side and said, that if we would pay them back the money they would vote for us.

1076. Do you think the corporation pay for these admissions out of the corporate funds?—I do not think the corporation, at the present time, do pay for them out of the corporate funds.

1077. Have the corporation discontinued payment as long as you have?—No, not the corporation party; but my belief is, that it has not for the last two or three years been paid out of the corporation funds.

1078. What reason had you for ceasing payment?—We were tired of it, and we thought our party was sufficiently strong.

1079. Have the number of freemen, admitted since the Reform Bill, decreased, as compared with the number admitted before the passing of the Reform Bill?—I cannot say; I think it is about the same.

1080. Do you know what is the average number admitted annually?—I cannot state that; there is always a great number on the eve of an election; at the present time there are upon the church doors upwards of 130, and I attribute that to this Circular, which I will hand in:—

Sir, Coventry, April 2, 1835.

A society is commenced for the purpose of raising a fund to assist those friends, on Conservative principles, who have not the means to take up the freedom of the city, in order that they may have a vote at an election, to add to the strength of that party.

I am

I am instructed by the committee to solicit the favour of a donation, which will be gratefully acknowledged. Mr. *T. B. Troughton.*

N. B.—Subscriptions received by R. K. Rotherham, esq., treasurer, and at Messrs. Bunney & Pepper's, bankers. 13 April 1835.

Mr. John Hudson, Secretary.

And I do not hesitate to say I shall feel it incumbent, in some manner, to counteract what is going on. I do not think it safe to the party I am interested for, to suffer them to pay entirely, and us not to pay. With respect to Mr. Rotherham, who is mentioned in this circular, he was mayor of Coventry on our last petition, in 1832.

1081. Who is Mr. John Hudson, the party whose name is subscribed to the circular?—He is a clerk in the post-office; a principal man in the post-office.

1082. Does he hold any office under the corporation?—I believe not. Mr. Rotherham is also in the council.

1083. Is it Mr. Rotherham the watchmaker?—Yes.

1084. Are you aware whether the payments on the admission of freemen, made by the corporation, were made out of the corporate funds, or from subscriptions handed to them by individuals?—I am not in the secrets of the corporation. I know the impression at Coventry was, that they used to be paid out of the corporate funds originally.

1085. Was the money you speak of, as having asked to be given by you, for the purpose of taking it to the other side?—Yes.

1086. Is there any expectation among those parties who are entitled to the admission of freemen, who might also happen to be poor; is there any expectation on their minds of having the fees for admission discharged for them on one side or the other?—Yes, and I think we have lost strength; our party is not so strong as it would have been, if we had adopted the means which have been adopted by the other side.

1087. How is the freedom of Coventry acquired, by birth and servitude?—By seven years' servitude; the indentures are to be inrolled with the clerk of the peace when they are bound, and at the expiration of the seven years, the names of the parties are put on the church doors, and publicity is given to them; and on the first Tuesday of the month they are examined before the council, and on the last Tuesday in the month they are admitted.

1088. Then freedom is acquired by servitude?—Yes.

1089. What is the aggregate number of the freemen of Coventry?—About 2,700 or 2,800.

1090. Are the greater number of those yearly admitted in a poor situation of life?—Yes.

1091. So that a great number of the new admissions would be of persons to whom the payment of the fees of admission would be an object of desire?—Certainly.

1092. Of what does the payment of the 1*l.* 3*s.* 6*d.* consist?—Of 1*l.* for the stamp, and 6*d.* for the parchment, and 3*s.* to the clerk, for fees of admission.

1093. Do you think that if the stamp duty was taken off, the payment of 3*s.* to the town clerk would be easily defrayed by the poor freemen?—I do, and I think the 3*s.* is not more than a compensation to the town clerk for the trouble he has.

1094. Have you any thing further to state with reference to the habit of paying for the admission of poor freemen by both parties at Coventry?—No.

1095. Has that habit continued ever since you have had any knowledge of the elections?—Yes, since the election of 1818, but I have no doubt it had been in existence many years prior.

1096. Can you state or give us any idea of the given expenses incurred at Coventry on any one election by either side; does your knowledge extend to that fact?—No, I know nothing of the money matters.

1097. Are there any indirect means of influencing voters resorted to at Coventry?—My own opinion is, that the charities of the corporation have a very powerful influence in the election.

1098. Are those charities administered by the corporation?—Almost exclusively; there are a few other charities, but the great bulk are administered by the corporation.

1099. Can you state what those charities are which are administered by the corporation?—They are very numerous; there is Sir Thomas White's charity, by which 4*l.* is given to a certain number of freemen annually.

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1100. Can you tell what number?—I should think about 200. There is another charity, by which sums of 50*l.* are to be lent to individuals who can give security; they have got a large sum of money in hand from them, for they cannot get rid of them, something like 8,000*l.* or 10,000*l.*

1101. How are the individuals to whom that 4*l.* is given chosen?—Entirely by the selection of the council.

1102. Are the individuals who are to benefit by this donation annually selected by the council?—They are.

1103. Of how many do the council consist?—The council consists, by the charter, of 31, but they are now only about 20.

1104. Is this council permanent?—Yes.

1105. Is the donation of 4*l.* per annum given to the same men year after year after they once receive it, or are the individuals who receive it elected each year?—I believe the corporation have now made an order that persons are not eligible to have it a second time under a certain number of years, eight or nine years I think, which certainly gives a much fairer chance to other parties; I think they have done it in the spirit of fairness.

1106. Is it supposed, or is there reason to believe that the persons selected to benefit by the donation are freemen who have voted with the corporation?—There is a strong impression to that effect. There are various other charities which I should say there is a greater outcry about than this.

1107. What are those charities?—There is Bablake hospital, which consists of 7*s.* a week to poor men, with a place to live in, or it may be paid to them out.

1108. To how many poor men are the benefits of this hospital extended?—It is limited according to the funds, some years more than others, as the leases fall in.

1109. Do you know what the ordinary annual revenue of it is?—No; but it is very considerable indeed.

1110. Must they be freemen to receive it?—I think it is not essential to be freemen.

1111. In point of fact, are those who partake of the benefit of the hospital all freemen?—The great bulk are freemen who have voted for the corporation all their lives, and it is considered as a reward.

1112. Do they vote for the corporation at the time they are in possession of the charity?—No, the right of voting is taken away from them by the decision of the House.

1113. Are there other charities which you can state, administered by the corporation?—There is Billinge's charity and Wheatley's charity; there are a great many charities.

1114. In point of fact, is it the understanding amongst the great body of the freemen, that the way for them to be admitted to derive benefit from these charities is to vote with the corporation?—The strong impression of the freemen on our part is, that if they do vote with the corporation, they shall have a much greater share of the charities than if they voted on the other side.

1115. You state that that is the impression among the great body of the freemen on your side?—Yes.

1116. Did the Commissioners for Corporate Inquiry investigate the subject as to the corporation of Coventry, when they made their circuit?—They did. I know there was evidence gone into.

1117. Did you yourself give any evidence before the Commissioners?—I was not examined.

1118. Are the vacancies supplied by election?—They are.

1119. How are the mayor and aldermen chosen?—By the council.

1120. In reference to the treating which you stated to have gone on to a certain extent at Coventry, has that treating lasted for any considerable time before the teste of the writ?—I think in 1818, the first election I remember, Mr. Butterworth treated for a considerable time before the teste of the writ.

1121. At the last two elections was there much treating going on before the teste of the writ?—I think not; I believe not.

1122. Have the corporation much influence in any other way besides the charities over which they have control? Have they any appointments, or much patronage?—I think their great influence is derived from their corporate capacity, from the many charities they administer in that corporate capacity, and the expectation which voters have, that if they vote for them they shall receive the benefit of those charities.

1123. In

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1123. In point of fact, then, there is not any patronage of this kind which they enjoy by the appointment to different offices, nothing at least of any amount, calculated to facilitate undue influence?—Nothing but what they have in their corporate capacity; they have the appointment of the constables and the overseers of the poor.

1124. Any other lucrative offices?—No.

1125. Is the paving and lighting at Coventry under their management, or under the management of a local board of trustees?—Under the management of a local board of trustees, part of the corporation necessarily forming a part of it by the Act of Parliament; it used to be much more in the hands of the corporation than it is now. Nothing can be in a worse state than the funds of the paving board are at this moment; I was appointed a trustee, but my own opinion was, that they were in such a bankrupt state, that I declined acting for fear of the risk. They owe nearly 10,000*l.*; at least there is upwards of 500*l.* payable out of it.

1126. Is there any habit, as far as your knowledge extends at Coventry, of paying local taxes and rates for freemen householders by the assistance of either the candidates or their partisans?—No.

1127. You do not think any such practice prevails?—I do not, it would not be at all necessary; the right of election being before the passing of the Reform Bill merely seven years' apprenticeship.

1128. Are there a considerable number of householders at Coventry, not being freemen?—Yes.

1129. As to them, would not the payment of rates and taxes be required before they could register?—Yes.

1130. What are the number of householders who vote, not being freemen?—I think about 500 or 600; all 10*l.* occupiers who are freemen are registered as freemen.

1131. Are many of the freemen of Coventry in a considerable state of distress, and are they not persons in the lowest degree of poverty?—Many of them are, owing to the badness of trade.

1132. Are not many of them hand-loom weavers?—A great portion.

1133. Has not that trade been in a state of great decay and distress for some years past?—It has been in a very bad state.

1134. How many years has that club existed which you have described as being formed for assisting the candidates opposed to the corporation?—It was formed after the election in 1826, and regularly kept up till after the election of 1830, during which time it paid for the admission of a great number of freemen.

1135. Was it discontinued in 1830?—I believe it was.

1136. Was there any particular reason for that discontinuance?—We had seated our candidate, and obtained our object.

1137. Was it formed in consequence of the bad success of your party in 1826?—It was formed for counteracting the corrupt influence which we considered had been used on the other side, and to benefit our old candidate if he should offer himself again; when we had seated him we got indifferent about it.

1138. Are you aware whether there has been any decision of the House of Commons with respect to the payment for the admission of freemen, whether that is within the statute of bribery or not?—As far as my recollection goes, it is left in a very doubtful state, the decisions have been both ways, but I apprehend in the way it is done no possible remedy exists.

1139. Do you think that under the present law it would not be held bribery, whatever number of freemen were assisted by either party to obtain their admission?—No, provided it was not done by the candidate or his agent.

1140. Do you consider the issuing of the circular which you have produced by the other side renders a step necessary to be taken on your side?—I do, and of course I shall so advise them. I should say that we must meet it by similar means, because it would not be safe, there being 130 voters at the present moment to be admitted this month, to suffer this society to pay for them all.

1141. Do you conceive that it would be thought a proper thing, or a fair thing, at Coventry, suppose on the eve of an election, if a party paid for by the corporation was to go and get money from your party and pay it back?—I think there have been instances of it, I have known it done. In 1826, in the Council House, they were paid for by a servant of the corporation on the one side, and by some strong partisans of ours on the other, and the money was handed over in the presence of the council, it was done perfectly open.

 1142. Supposing

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1142. Supposing that the freemen not yet admitted, but having a title to be admitted, supposing they are not promised to have the fees paid by the candidate or some person on his behalf, do they apply for their admission upon the faith and expectation of finding somebody ready to pay their fees?—Whenever there is any bustle they will be applied for by either party in great numbers, but when it is very quiet they do not come at all; one or two may come straggling in in a month or so, but at the present moment there are upwards of 130 upon the church doors to be admitted, and both parties think they will be paid for, and I have had many applications now within the last week.

1143. Are those applications from persons who have a title to be admitted as freemen?—Yes.

1144. What benefit do they look for in consequence of being admitted as freemen, simply the possession of a vote and the chance of partaking of some of these charities?—Yes, and they have the right of pasturing over the lammas lands.

1145. Are the lammas lands considerable in the neighbourhood of Coventry?—Yes, nearly 2,000 acres.

1146. Are they all under pasturage?—Yes; it is only for a portion of the year. I think there are 300 acres of common open the whole year, and the rest is open part from August to February, and the other part is open from Michaelmas to February. The freemen have the exclusive right of pasturing their cattle, limited to the number of three head each man.

1147. In respect of that right is there any favouritism exercised at all, or is it a right exercised equally by every freeman?—Equally by every freeman; I should observe that I have known the admission of 150 freemen being paid for at a time, on the eve of an election.

1148. Have you had much practice before election committees?—I have had two or three petitions, the Warwick and the Coventry.

1149. Were you concerned for the petitioners?—I was concerned for the petitioners in 1826, 1827, and for the sitting Member in 1832.

1150. Upon what ground did your petition turn when you were concerned for the petitioners?—Rioting, on both occasions.

1151. Are the riots at Coventry at the time of the election of a serious character?—Yes.

1152. Was there not a special report on both of those occasions by the committees, in consequence of the nature of those riots?—Yes.

1153. Was there any allegation of bribery contained in those petitions?—No allegation, nothing but a general statement; we thought it was doubtful whether the general allegation would let us in or not.

1154. Was there any allegation of bribery in the petition you defended?—No.

1155. Was it of precisely the same nature as the preceding one?—Not altogether; we attacked the corporation in 1827; our complaint was with respect to the conduct of the magistrates in heading the mob, and other acts.

1156. Has your attention been directed to the difficulties or facilities as to the proof of bribery before Election Committees of the House of Commons?—I considered the subject in 1826, and we looked into the evidence which we could produce in support of our petition, and I thought the difficulties were so great that we could not succeed in unseating the sitting Member upon that ground.

1157. Were you deterred from prosecuting the charge of bribery arising out of any doubt of bribery being committed, or the difficulty of legal proof before a Committee of the House of Commons?—I should say from both causes; my own opinion was that we had a sufficient case upon the conduct of the magistrates and the returning officer, and that it was not worth while to go into another case, to waste the time of the Committee.

1158. The result of the petition was not to declare the election void, or unseat the sitting Member?—No, it was not; but there was a special report against the magistrates and one of the sheriffs.

1159. Have you any suggestion to make to the Committee with regard to the prosecution or defence of petitions before Committees, arising out of the experience you have had as a professional man?—I think if an election is well managed, bribery and treating can go on, and it is impossible to bring it home to the sitting Members, and yet the election might entirely depend upon it; the only thing I would suggest is, that it should not be necessary to bring it home to the immediate agents or the sitting Members.

1160. Do

1160. Do you mean that you would render the seat voidable by bribery or treating, though not brought home to the sitting Members or their agents?—I think that is the only means to prevent it.

1161. If extensive bribery or treating was proved before a Committee, you would render the seat voidable without its being brought home to the sitting Members or their agents?—My own opinion is, that that is the only means you have.

1162. What amount of bribery or treating would you consider necessary in such a case?—That is matter of opinion.

1163. Do you think it would be proper to render a Member's seat voidable on account of single individual acts of bribery and treating being committed, with which he has no connexion?—I think it would be unfair to do that.

1164. Then would you confine your suggestion to general bribery and corruption, which might influence the return of a particular member?—Yes, in Coventry there is a great deal else to be dealt with, the admission of freemen and the charities.

1165. Do you know whether any question has arisen before a court of law or a committee, that this payment for the admission of freemen was not bribery within the statute?—I think the last decision was, that it was not, which, if I recollect, was the Bristol case; there have been decisions both ways, but in all those cases I should say the charge has been brought home to the sitting Members, but it is done at Coventry in a very different way.

1166. Could you suggest any mode that would meet the evil, the evil being the payment of admission of freemen by third parties connected with the individual member?—I think no mode can be so effectual as repealing the stamp duty; if even the 3*s.* charge was reduced upon a very poor constituency, perhaps that would be to a certain extent an advantage; I do not think 3*s.* too much for the trouble the town clerk has, and if it is to be reduced, it should not be reduced out of the town clerk's fees, but paid from some other source.

1167. Do those fees upon admissions constitute a large portion of the revenue of the town clerk?—No, they do not; in some years he may get 30*l.* or 40*l.* for the admission of freemen; in other years, when there is no chance of an election, there are very few applications; there will be a great number of applications all the time from the present till July.

1168. How many vote as freemen exclusively, who are not 10*l.* householders?—My opinion is, that the 10*l.* householders' constituency would probably be about 900.

1169. What is the population of Coventry?—About 28,000.

1170. What was the constituency before the Reform Bill passed, at the election of 1826?—I think about the same as it is now, the householders supply the place of the non-resident freemen.

1171. You have mentioned two elections, 1826 and 1832, on which petitions were presented on account of riots?—Yes.

1172. Were those riots connected with the treating?—Yes.

1173. Do you mean to say the facilities which the parties had of obtaining liquor created a disposition to riot?—Certainly; they were generally drunk.

1174. For some time before the election?—I mean during the riots; a great part of the men who made the riots were drunk.

1175. Were the public-houses open the night before the election?—Yes, and in the morning.

1176. Did the riots take place on the day of nomination and the polling days?—Yes.

1177. Have there been two contests at Coventry since the election of 1832?—Yes.

1178. Have the same riotous proceedings been carried on at those two contests to the same extent as they were at the previous election?—No.

1179. How do you account for that?—The magistrates would not allow of parading the town; they issued hand bills to that effect.

1180. Has there been the same number of drunken men collected together?—No; at the last election, on the day of nomination the men were drunk on one side, but there was nothing at all done on our side.

1181. Do you attribute the absence of these riotous proceedings at the two last elections to the diminution of treating, or the more efficient exercise of authority on the part of the magistrates arising from those special reports?—To both.

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1182. Do you think treating has diminished?—Yes, certainly, particularly at the last election; on the day of nomination, the corporation party had it entirely their own way; one party treated, but the other party did not on the day of nomination.

1183. Did the other party treat at a subsequent period of the election?—I think some money was spent in the way of treating; I do not know how it was done; I was not in the houses where treating was going on; if treating had taken place at the last election on the day of nomination on our side as it did on the other, there would probably have been a riot then.

1184. Does not the practice of treating through the means of public-houses operate upon an election to a certain extent through the influence of publicans, who are great gainers by it?—To a certain extent upon publicans certainly, but to an inconsiderable extent at Coventry.

1185. Are not the publicans considerable gainers during the period of an election?—No doubt.

1186. Do you know the number at Coventry who have votes?—I do not.

1187. Do not those publicans through whom treating is carried on take a more active part in the election on one side and the other than the other publicans do who are not so employed?—Generally speaking, I should say they do, still at Coventry there are many publicans who would rather not have the treating because it is principally confined to ale.

1188. Who dispenses the licenses to publicans at Coventry?—The corporation; the magistrates.

1189. Are those licenses annually renewed or confirmed?—Yes.

1190. Is there any complaint of publicans with respect to the conduct of the corporation with regard to the distribution of licenses?—Not at the present time; I have known great complaints, but not of the present magistrates.

1191. What period should you say those complaints have ceased to exist; since when?—Within the last three or four years, unquestionably a reform has taken place.

1192. You mean since the period of the Reform Bill?—Yes; but public opinion perhaps I should say has had more weight than any thing else.

1193. Are all the leading men in the corporation large manufacturers in the town?—No.

1194. Are they persons trading in a smaller way of business?—They are principally persons in trade, and not connected with the manufactories.

1195. Are you aware of much influence being used over tradesmen or persons in employment, at the last election, or any part of the election, by means of threats or apprehensions to that effect?—I am not aware of it to any great extent; it has existed certainly, but not to any great extent; the constituency till the Reform Bill were not tradesmen; they were principally below the rank of tradesmen.

1196. From whom do the hand-loom weavers receive their employment commonly?—From the manufacturers.

1197. Are those manufacturers resident at Coventry?—Yes.

1198. Is there any influence exercised, as far as your knowledge extends, over these hand-loom weavers, by means of employment being either given or taken away?—Manufacturers certainly have a great influence in respect of it. I heard instances at the last election of persons complaining that they were compelled to vote so and so by the manufacturers.

1199. Did they state to you their wish was to vote on the side opposite to that on which they did vote?—We had much difficulty to get people to vote for fear of their masters.

1200–1. Did you experience that yourself personally?—I did; I knew of several instances; I remember one particular instance of going to a man to ask him to vote; we were then near being at the head of the poll, having been 160 behind the day before, and every vote being of consequence; I went to the man, and found him crying; he said he could not vote for me; I pressed him, knowing he had always been on our side at the election and never voted against our party; he stated that he had made a positive pledge to his master that he would not vote at all, and he did not vote; he said he would never put himself in a similar situation again. I remember another instance, where a man said he should lose his employment; I had a manufacturer with me, and I sent the manufacturer to him afterwards, who I understood told him that if he was turned out of work for the vote that he gave, he would give him employment, upon which the man came up and polled for us.

1202. In consequence of that, was he turned out of the employment which he had previous to voting?—I never inquired; the trade is good now.

1203. Do you know whether these threats, of the nature of which you have been speaking, have been, in particular instances, carried into effect within your own knowledge?—Never, within my own knowledge; I cannot say that, but I have heard of it.

1204. Have you heard it from them?—I have.

1205. Has not the state of the hand-loom weavers been such, for some time past, as to make them extremely dependent upon their masters for employment?—Very much.

1206. Insomuch that the withdrawal of employment by a master would be a very serious hardship to an individual hand-loom weaver?—Yes.

1207. Was not the contest of 1826 one rather between the masters and the men, the masters supporting one candidate and the men another?—Yes.

1208. Upon that occasion, which was the successful party?—The men.

1209. What state was trade then in at Coventry?—Very good.

1210. Is it a fact that when the trade is good in Coventry the influence of the masters is less than at other times?—Certainly.

1211. Have you ever known instances on the part of the men, with a view of influencing their masters at an election, of threatening to strike?—No, I think not.

1212. On that occasion, in 1826, were any means resorted to of any nature, on the part of the men, to affect the masters, in consequence of the opposition of the masters to the candidate they supported?—I do not recollect any thing of that kind.

1213. Has there been any practice of exclusive dealing which has come to your knowledge, by this class of men or any other class, or any proportion of them, in consequence of partisanship during an election?—No.

1214. Have there been any cases come within your knowledge, of parties declining to vote or to register themselves, in consequence of feeling an influence exercised over them contrary to their wishes?—There are the instances I have before mentioned of the masters.

1215. Do you know what the number of unpolled voters was at the close of the election?—I think about 150.

1216. Can you form any opinion of what proportion of the 150 were deterred from voting arising from the influence of which you have spoken?—No, I cannot form an opinion upon it; there certainly were some.

1217. Were there any persons in your canvass who told you they would come up in case of necessity, but they would rather be excused from voting at all unless the necessity arose?—Certainly.

1218. Were they numerous?—Yes.

1219. Can you state the number?—There were very many, I have no doubt, on the general canvass; perhaps 50 or 100 I should say.

1220. Was that 100 exclusive of the other 150 which you have spoken of, or is it included in the 150?—I think 100 would be as many as would probably state they would, if required, poll for us, but would rather not poll at all unless there was a necessity.

1221. Of the 100, did a considerable number of them actually poll?—Yes; the necessity arose for it.

1222. Do you think there would be any difficulty in taking the poll in one day at Coventry?—No, I think it might be done in one day, but I think two days is not too long.

1223. What advantage do you think two days polling have over one?—I think the nomination is a very useless day; you might have the poll immediately after the nomination.

1224. How can you prevent speaking from taking place after the nomination?—We have not had much speaking at Coventry; they will not let any person be heard.

1225. What objection do you anticipate as likely to arise from limiting the duration of the poll to one day instead of two days, bearing in mind the power there is of multiplying the polling places?—I think a considerable number of persons would remain unpolled; at the last election, if it had been taken in one day, we should have had a difficulty in bringing up the voters.

1226. Of the class that remained unpolled at the close of the first day, do you not think many of them remained unpolled with a view to make a private advantage

Mr. *T. B. Troughton.* of their right to vote?—I do not think there did; there is no bribery at Coventry as far as my own knowledge goes.

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1227. What difficulty is there in taking the poll of a constituency of 3,400 all in one day, if you provide a proper number of polling places?—There is not any difficulty at all in taking the poll, but there are freemen who reside seven miles from Coventry, and there might be a difficulty in getting them up; my main objection is, that I think many would remain unpolled.

1228. You have stated that one party at the last election did not treat on the day of nomination, did the other party begin to treat before that party felt themselves behindhand on the poll?—My opinion is that it was found necessary, and there was treating on the first day of the election on both sides, perhaps to a greater extent on one side than the other; and at the close of the poll the first day, when one party found themselves 160 behind, they considered it would not be prudent for them not to do as had been done on the other side, and the same course was accordingly adopted.

1229. Do you think a number of those who polled on the second day were influenced by the treating that took place in the interval between the first day and the second?—My own opinion is, that it had not a great deal of influence, but I think it would not have been prudent not to have followed the same course they did on the other side.

1230. Upon what do you found your opinion that if the poll was limited to one day, a large portion of the constituency would not vote at all?—I think there is much hanging back for the sake of not offending either the one party or the other in Coventry. I think the hanging back would not be in Coventry for the purpose of being bribed, but from a desire not to offend either party.

1231. Do you not think there would not be many of the voters of whom you are now speaking, in a case of necessity, who would give their votes if the polling was confined to one day?—They would not.

1232. Can you state, looking back at the late election of which you are cognizant, whether it is a usual thing to alter the relative position of the candidates on the second day of the election?—No, it is just the contrary; I think it is the only election which I recollect, in which there was any thing like a majority on the first day; I never remember (speaking from 1818) a candidate being at the head of the poll on the first day, but what won the election, with the exception of Mr. Cobbett, I think he was a few at the head of the poll at the close of the first day, but we had then 14 days polling.

1233. Since the Reform Bill how many contests have taken place?—There has been a contest every election; we have had three contests.

1234. Upon only one of those occasions has the relative position of the candidates been altered the second day?—No.

1235. You have stated that a certain number of persons held back their votes for fear of giving offence to one party or the other, do you not think that their terror would be removed if the votes were given by ballot?—I think there would be a disinclination in the class of voters I allude to, of going up to poll at all at Coventry.

1236. Why?—I think they would be suspicious if they voted one way or the other, of something happening.

1237. Who would be suspicious?—Their neighbours, the more influential people to whom they look; I am speaking of the hangers back.

1238. Why should they be suspicious if they did not know which way they voted?—In this way; when I speak of their holding back and coming up on the second day, I should say that they rather would not vote at all; they are people who would rather decline it altogether; quiet people.

1239. Are they people who wish to take no particular interest in elections excepting by voting?—Yes, I think that many of them would rather not vote, and who would rather not be registered at all.

1240. Suppose it was not known which way they voted, do you apprehend they would have the same objection to be registered and to vote as at present?—I think there are some who would.

1241. Do you not think there are some whose objection to voting is because the way in which they would wish to vote is contrary to their interest?—Most certainly.

1242. Do you not think such men would be more inclined to vote than the other class you speak of in case of secret voting?—Certainly.

1243. Do you not think, if votes were taken by ballot, the disposition of either party

party to pay for the admission of freemen would be removed or at least diminished?—I must say, I think that if they were paid for, there would be a moral obligation, and they would vote, even if it was by ballot, in a way that would be consistent; I think those that are paid for generally vote in the way they are paid for; and my opinion is rather grounded on the circumstance of having known instances of their applying to our party for the money, and giving it back to the other party who had paid for their admission originally.

1244. Do you think the persons who now are in the habit of paying for the admission of freemen on the chance of their giving a future vote, do you think they will feel an absolute certainty in getting their vote if it was by ballot?—They would not.

1245. Then do you not think the disposition to pay for those admissions would be so far less than it is at present?—Yes; I should add this, that I am of opinion, if they were paid for even under the ballot, it would have the effect of influencing their votes.

1246. Would there still be a sufficient inducement to pay for their admission?—I should not advise the paying for them; that is my present impression.

1247. Do you think it would repress the practice of the corruption in paying for the admission of freemen by either party?—I think the only way would be to repeal the stamp duty.

1248. Do you think that is a preferable mode to the ballot?—I do in this constituency.

1249. You think the ballot would not be so effective as taking off the stamp duty?—Yes; but I only apply it to Coventry, and to the money paid for the admission of freemen.

1250. With reference to the paper on the table, is that issued on behalf of a particular candidate or a particular interest?—A particular interest.

1251. Is the promise of the vote extracted at the time the payment for the admission of the freedom is made?—Certainly; it is distinctly understood.

1252. What is the nature of the promise?—That they are to support the particular interest.

1253. Do you know whether that promise has usually been observed?—I believe it has been very generally observed. Of course there are instances of its having failed; but it is generally observed at Coventry. I think there is nothing so effective as paying for the admission of freemen. I should state this, that he is understood distinctly to pledge himself to give the first vote which he has, and I have met with instances of persons saying I must vote for so and so, because they have paid for my admission, and it is generally considered as binding upon the party; and those whose admission we have neglected to pay for, and which have been paid for on the other side, say we must first vote for them.

1254. To whom does the house property at Coventry principally belong; is it distributed among a great number of hands, or has the corporation a great number of houses?—The corporation has not house property to a considerable extent; it is divided among different freeholders.

1255. Is it the habit to build upon building leases or to build upon freeholds?—Upon freeholds.

1256. In point of fact, is there a great influence exercised by the landlords over their tenants there?—No.

1257. With reference to the expense of petitions, what allowance have you been in the habit of making to the witnesses who have been brought up to give evidence before an election committee?—As far as my recollection serves me, I think I have paid them 4 *l.* a head, including the coach up and down.

1258. Is that the average payment, or the actual payment irrespective of the time during which they were detained here?—The whole expense; I think the expense of each witness was about 4 *l.*; the coach fare for them up and down was paid, and they had money to pay their expenses on the road; I think the average expense was about 4 *l.*

Mercurii, 15° die Aprilis, 1835.

SIR GEORGE GREY, BARONET, IN THE CHAIR.

Mr. *Charles Cowell*, called in; and Examined.

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1259. ARE you resident in the town of Ipswich?—I am.

1260. How long have you resided there?—My whole life; I was born there.

1261. Have you been conversant with elections for Members of Parliament for the town of Ipswich?—I have.

1262. Have you been actively employed in those elections?—I have.

1263. How long does your experience of elections extend to?—From 1818.

1264. Was that the first election in which you took an active part?—Yes.

1265. Are you aware of any bribery or corruption carried on at any election since 1818 in the town of Ipswich?—I can only first speak to the election of 1826; at that election bribery was carried on by both parties to a considerable extent.

1266. Of what did the constituency of Ipswich in 1826 consist?—Entirely of freemen; two-thirds of whom I should think were non-resident.

1267. Do you know what the number of the constituency was then?—Ten hundred or eleven hundred.

1268. Was direct bribery carried on then? by the term direct I mean the payment of money to individual voters?—Yes, there was direct bribery.

1269. Was it before or after the election?—It was previous to the party voting, and just subsequent to their voting; in consideration of their vote I have no doubt.

1270. Was treating also carried on at that election?—Yes, the treating was very gross under the old system at Ipswich previous to the passing of the Reform Act; it was perfectly impossible to avoid it as voters came up from a distance, and they would have indulgences which certainly were not suitable or proper.

1271. Were the public-houses open to other voters besides out-voters?—I should not say they were directly open, but the fact was that the resident voters and the non-resident voters are relatives or friends; they therefore went in and partook of what was provided for the non-resident voters; and it would have been impossible to get them up to poll if you had attempted to prevent that.

1272. Was there any petition after the return of 1826?—There was a petition.

1273. Was that petition on the ground of bribery?—There was a petition on the ground of bribery, and a scrutiny.

1274. Was there any evidence of bribery produced before the Committee?—No evidence was produced, as the parties returned abandoned their seats, not choosing to incur the expense of the petition.

1275. Then they did not defend their return?—No.

1276. And were the candidates who were the petitioners declared the sitting Members?—Yes.

1277. What was the next election of which you are cognizant after 1826 where there was a contest?—That in 1830.

1278. Was there a contest in 1830?—There was a nominal contest.

1279. Was it of the same nature?—No.

1280. Did bribery exist to the same extent at that contest as it did at the preceding one?—I do not think there was bribery at that election; the Members who were returned brought up a large number of non-resident freemen in a steam-boat from London, and they were paid I understood 3*l.* a head for their expenses; we considered that that amounted to bribery, and had some idea of presenting a petition upon the subject, and a friend of mine, an attorney, I requested to wait upon Mr. Mackinnon to tell him we considered we should be able to establish bribery against him at the election, and that we should in all probability petition. Mr. Mackinnon's reply was a very remarkable one; he expressed great surprise, and said, "This bribery? If indeed you could rake up the last election, there was bribery enough to set aside half a dozen elections, but you cannot touch us upon this;" and on taking advice, I believe we found that we could not.

1281. Was the petition presented?—No.

1282. Was the bribery at the election of 1826 confined to non-resident freemen?—It

—It was to a greater extent among the non-resident freemen than among the resident, but it was not confined to the non-resident.

1283. Were the voters brought in the steam-boat in 1830 entertained in some manner at Ipswich during the time they remained there for the purpose of polling?—No.

1284. The 3*l.* was all that was paid to them for their expenses?—Yes, so we understood.

1285. Did the same practice exist in 1830 as in 1826 with respect to the entertainment of non-resident voters?—No.

1286. In 1826 did you not say money was given both before and after the polling?—Yes.

1287. Was it given openly by both parties without much attempt at concealment?—It was not given openly.

1288. What was the mode of distributing it?—A friend, for instance, of the voters would receive the money from another person in some circuitous way, and then distribute it among them; and a poor voter took perhaps 20*s.* or 30*s.* for his vote, and it was paid in this circuitous way.

1289. What was then the number of voters?—About 1,000 or 1,100.

1290. What was the price paid for a vote to those who received the bribe?—I should suppose from 20*s.* up to 50*l.*

1291. Did the price advance as they approached the termination of the election?—Yes; it advanced to as much as 30*l.*

1292. Was the election close run?—Very; there was not a difference of 10.

1293. Was the bribery oath administered?—I think it never was administered at Ipswich till the last election.

1294. Are you aware that in 1826 there was a previous agreement between the candidates or their committees, or their agents, that the bribery oath should not be administered on both sides?—I do not think the thing was ever contemplated; I am not aware that it was ever considered; I do not think the bribery oath was ever administered in Ipswich till the last election, and then I individually named two or three cases in which it should be administered; and from my experience at that election I think it never will be the practice to administer the bribery oath again, because it only gives rise to perjury, without having the slightest influence on the voter.

1295. Are you of opinion that the man who would receive a bribe would be also likely to take the bribery oath without reluctance or scruple?—I am quite of that opinion, as a general rule.

1296. In those cases in which you required the bribery oath to be tendered at the last election, had you strong reason to suppose that the parties had been bribed?—I had no doubt of it.

1297. Did any of the parties, to whom the bribery oath was so tendered, refuse to take it?—I was not present when the oath was required to be taken, but I was told by a friend of mine, who was inspector at one of the booths, that an individual, who was known to be bribed, having confessed it before he went to the poll, when the bribery oath was tendered to him, and he came to the words "promise or inducement," stopped, and the people around gave a cheer, and said he could not swallow it; the returning officer said he did not understand it, and repeated the words again, and he hesitated again; I was told, I was not present, but the third time, to use the expression of my friend, he gulped it.

1298. Did he vote?—Yes, he took the oath, and voted.

1299. Is that the only instance you are aware of, in which the oath was not willingly taken, or taken without hesitation?—I was not witness to the fact; I was merely told it by a friend.

1300. Is that man personally known to you, who went up and took the oath, having confessed beforehand that he had received a bribe?—He is personally known to me.

1301. Has he suffered, in the estimation of his neighbours, by his conduct on that occasion?—I am not prepared to state that. He is a dealer in hay.

1302. Does he belong to the labouring class?—Yes; his bribe, as I understand, was a loan of money, as he went to an intimate friend of mine, and told him that he had been offered a loan from 50*l.* to 100*l.* without interest, for a series of years, if he would vote for Mr. Kelly and Mr. Dundas; he said, I wish to vote for the other side, and if you will lend me the money I will do so; that gentleman said, I will have nothing to do with such an act of bribery, and positively refused it.

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1303. Are you aware of any case in which a voter declined voting, upon the oath being tendered to him, or from the apprehension that it would be tendered?—I do not believe a single individual was deterred from voting by the dread of the oath; I said to several of my friends, I really think we shall do better by giving up any idea of administering the oath, because we are only adding another crime to the crime already perpetrated, and I believe we shall never think of administering the bribery oath again.

1304. How many contested elections have there been since 1830?—There was a contested election in 1831, when the King dissolved Parliament; that was the last under the old constituency; and in 1832 there was another contest, the first contest under the new constituency; and then, in 1835, a second contest under the new constituency.

1305. Now, at the contested election in 1831, was bribery carried on in the same manner as in 1826?—No; the tide of feeling was so strong in favour of the Reform Bill, that it completely carried away the voters, and there was no difficulty whatever in bringing them to the poll; they went up most cheerfully, and the election was over in two days.

1306. Is it your belief, upon that occasion, that any bribery at all took place?—I am not aware bribery took place; I believe the feeling was so strong, that bribery would have been inoperative; the voters came down in shoals.

1307. Did they come at their own expense, or were they paid?—They were paid, if I remember right, upon the same principle that Mr. Mackinnon paid before; they were brought down in a steam-boat, and were paid 3*l.* in full for their expenses.

1308. Was that 3*l.* more than reasonable for their expenses?—I am not prepared to say what was reasonable and what was not; we were guided in giving the money simply by the advice we received at the previous election, that 3*l.* was not an illegal sum to give to the voters, and under those circumstances they were given it.

1309. What alteration has been made in the number of the constituency at Ipswich by the Reform Bill?—Not much alteration in the number of the constituency.

1310. Has it not disfranchised the non-resident freemen?—It has, but it has made no material difference, if any, in the number of voters, but simply in their character.

1311. Do you mean to say that there are as many 10*l.* householders entitled to vote as the non-resident freemen, who were disfranchised?—Somewhere thereabouts.

1312. At the last election, what number of voters voted as freemen, and what as householders?—

	Morrison.	Wason.	Dundas.	Kelly.
Freemen - - - -	136	138	193	194
Householders - -	380	393	362	363
	516	531	555	557

1313. Do you think that most of the resident freemen are 10*l.* householders also?—No.

1314. At the contest in 1832, the first after the constituency was altered, was bribery practised to a great extent at Ipswich?—No, not at all.

1315. Was it not a severe contest?—Not at all.

1316. How do you account for bribery not being practised at that election?—There was a conviction on the part of our friends at Ipswich, that the old system having been changed, a new system of election ought to be adopted, and they all resolved to discountenance to the utmost possible extent the practice of bribery and treating.

1317. When you say all, do you mean the parties on both sides of the question?—No, only on the part of those of which I am a member, and with whose councils I am conversant.

1318. Was bribery practised at that election?—Certainly it was not practised at that election, because it would have been quite useless; the Forces had not the shadow of a chance.

1319. Are you aware of bribery being practised at the last election in 1835?—I believe bribery was practised to a very great extent at the last election.

1320. Was the contest a severe one?—Very.

1321. What was the majority of the sitting members over the losing candidates at

at the close of the poll?—I think on the part of one the majority was twenty-four, and on the part of the other thirty-nine or forty.

1322. Can you state the whole number of voters who polled at the last election?—It was above 500 on each side.

1323. Are you able to state whether the bribery was practised among one particular class of voters more than another, among householders rather than freemen, or freemen rather than householders?—I am not prepared to answer that question. I am only prepared to mention this fact, that at the previous election of 1832, when there was no bribery whatever, we polled a majority of one among the old constituency; and at the last election, when we knew bribery was very prevalent, we were in a minority of between fifty and sixty of the old constituency.

1324. In what mode was the bribery practised at the last election? Was it direct bribery by the payment of money, as on the former election of 1826?—Yes, by direct payment of money in several instances.

1325. What was the most usual form in which it was practised?—A London barrister came down as the friend of one of the candidates, and he was introduced as the representative of one of the candidates to the voters, and was left in Ipswich as his representative, while he went to attend to his professional business; the name of that barrister was Mr. Dasent, who has been proved before a Committee of the House of Commons, and has by their decision been declared to be guilty of bribery.

1326. Is that the Mr. Dasent mentioned in the resolution of the Ipswich Committee as having been proved to have been guilty of bribery?—He is the man.

1327. Have other persons also been named in that resolution as having been guilty of bribery?—Three persons have been held guilty of bribery by that resolution.

1328. Did any of those persons give money directly to the voters?—They did.

1329. Were there more forms than one in which they did it?—My statement in answer must be partly inferential, from the circumstances of the case. It appears to me, from what I saw of the election, that they had several individuals without character and without station in society, who were employed for the purpose of drinking with certain voters, getting from them a knowledge of their pecuniary situation, and then tampering with them for their vote, and bringing them to those individuals.

1330. Were the individuals who paid the money employed on behalf of the candidates, or any of them as agents for those purposes?—One of them, as I before stated, was introduced as the representative of one of the candidates, while the candidate was absent from Ipswich, and was left by him there to attend to his interest, he himself stating that fact.

1331. Are you aware whether any evidence tending to the proof of the agency of that individual was tendered to the Committee?—I understand that the Committee decided originally that we had made out a *primâ facie* case of agency against that individual.

1332. Did the Committee decide on the question whether he was an agent or not, so as to affect the sitting Members?—They first decided the *primâ facie* case of agency was established, and they have now come to a decision in which they have not taken any notice whatever of the question of agency.

1333. Can you furnish the Committee with a copy of the resolution which that Committee have come to upon the subject?—Yes, I will; I received a copy of the resolutions last night from the short-hand writer.

1334. Will you state what those resolutions were?—"First, Resolved, That bribery and corruption did exist and was practised at the last election for the borough of Ipswich, but that no illegal acts had been established against the sitting members. Secondly, That Arthur Bott Cook, John Dasent, esq., and John Pilgrim, had been guilty of bribery at the last election; and that Arthur Bott Cook, John Pilgrim, John Bond and R. B. Clamp, had absconded in order to avoid the service of the Speaker's warrant." You will allow me to state, that what I before mentioned respecting agency applies merely to one individual; but we have proved a stronger case of agency against another individual, whom the Committee adjudged had committed bribery.

1335. Is the individual you now speak of one of those named in the resolution?—He is.

1336. But the resolution of the Committee does not extend to determine the

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question whether he was an agent or not?—It does not determine the question at all; it is silent upon the subject.

1337. Was any party examined as a witness, or proposed to be examined, who was either an agent for the purpose of bribery, or received himself a bribe, in order to induce him to vote?—There were individuals examined who were bribed, and others who bribed absconded for the purpose of avoiding receiving the summons from the Speaker.

1338. Are they the parties named in the resolution of the Committee?—Yes.

1339. Was any person proposed to be examined who had himself received a bribe in order to induce him to vote?—Several persons were examined who received bribes.

1340. Did any of those persons so examined refuse to give evidence on the subject?—Not one of them; they all gave evidence.

1341. Was their evidence of a nature to criminate themselves?—Certainly.

1342. Did they claim any protection?—I did not hear they did; I do not think they did.

1343. Did this bribery take place before the election began, or after the election had actually commenced?—Instances have come under my knowledge of bribery having been committed some days previous to the election.

1344. Can you state what was the state of the poll at the close of the first day?—We were in a minority, I think, of something under 30.

1345. Was there much difference between the relative position of the candidates on the first day and the second day?—Not any great difference; but I should say that in consequence of the system of treating commenced by our opponents on the first morning of the election, they headed us above 100 in the space of an hour or two on the first day.

1346. In what mode was that treating carried on?—They had parochial breakfasts at public-houses.

1347. Did the voters come from those breakfasts up to the poll?—Yes; they came from those houses in bodies to the poll.

1348. Did a large number of the voters breakfast generally at each of these public-houses?—Yes.

1349. Was the mere breakfast sufficient in your mind to induce the people to vote in a particular way?—I can scarcely answer the question; my impression is, that all doubtful men, and men who would be tempted by a bribe, would naturally be taken to such a situation, because it prevented the possibility of our encouraging them to vote according to their own judgment; we could not see them before they voted.

1350. What did they eat and drink at the public-houses?—I understand they had all sorts of cold meat, hot beef steaks, &c., and what spirits they chose to have.

1351. Were any of them drunk when they came to the poll?—I would not say any of them were absolutely drunk when I saw them at the poll, but I would mention one fact; as I came from my own house I passed one of the houses where the breakfasts were held in the parish in which I live, and I saw a voter there, with whom I had had some conversation previously; he was a freeman, and was standing on the steps in a state of great excitement, apparently from liquor; he called me by name, and insisted on shaking hands with me.

1352. Do you conceive that the treating was accompanied with bribery?—It is impossible for me to say.

1353. But have you not already said you do not consider the mere meal would be a sufficient inducement for the electors to give their votes in a particular way?—I should certainly not presume that the mere fact of a breakfast being given to an individual would induce him to vote in a particular way; but I think the persons who were taken there, many of them were individuals in that situation of life in which promises of employment, or excitement produced by liquor, would give them that spirit to make them go up with gentlemen to poll and vote without any money, or even a promise of money.

1354. Are you aware whether the parties who partook of these breakfasts were principally freemen or householders?—They were both I understood.

1355. Was any evidence given before the Ipswich committee of these breakfasts?—Yes, some evidence was given.

1356. Was any evidence tendered of agency on the part of the persons who presided at these breakfasts, or who paid for them?—I am not aware.

1357. Was

1357. Was there any attempt made to bring it home to the sitting Members under the Treating Act?—Yes.

1358. Do you not think that the men were, immediately after the breakfast, made more susceptible of corruption?—Decidedly they were.

1359. Do you know what number of the voters who actually voted remained unpolled at the close of the first day?—I do not.

1360. Do you think that there would be any difficulty in polling the whole constituency of Ipswich in one day?—Not the slightest.

1361. Would there be any inconvenience in limiting the poll to one day?—No inconvenience, but a great advantage.

1362. What advantage?—It would have a tendency to limit the practice of bribery.

1363. Are you aware that at the close of the first day's poll bribery is practised more frequently than previously to the commencement of the poll?—The bribery we had evident proof was in the course of the afternoon of the first day going on, because I myself saw two voters who came and showed me the money which they had received.

1364. Are you aware that bribery was practised between the closing of the poll on the first day, and the commencement of the second?—I cannot speak to the fact from my own knowledge on the subject; but I understood individuals had been tampered with, and one voter has since told me he had been offered 10*l.* for his vote; that was in the course of the night.

1365. Did you find in the course of the second day any voters who had promised to vote for you were induced by any means to vote for the opposite candidate, or *vice versâ*?—Some persons who had promised me to remain neutral voted for the opposite party in the course of the second day.

1366. How came they to promise to remain neutral; what was their reason for doing so?—There are a certain number of persons who are indifferent in all matters of politics, and would not vote, and there is a large proportion who do not consider it safe for them to do so.

1367. What do you mean by safe?—That, as tradesmen, their interest would be sacrificed by their voting.

1368. What proportion of the whole constituency declined voting at all?—I think about 150.

1369. Do you believe many of those 150 declined voting, lest it would injure their interest as tradesmen?—I know several of them did.

1370. On the second day, were the breakfasts given again?—I am not aware that they were.

1371. Were there breakfasts given on the opposite side also; were any parochial breakfasts given on your side?—No.

1372. What was the reason that no breakfasts were given on your side; was it because you doubted the legality of such practices, or the propriety of them?—We considered it was treating.

1373. Is it usual at Ipswich to lock up the voters the night previous to the election, not to make them accessible to the other party?—Under the old system that was not unusual, but it has not been practised, except in one instance under the new, and that was in the case of an old voter, who I believe, rarely, if ever, votes, except after he has been taken care of by one party a few days previous to the election.

1374. Were the bulk of the persons who remained unpolled on the second day, persons who had promised either side?—I cannot speak to that.

1375. Had you polled all your own promises on the first day?—Certainly we had not, because we had a majority of promises out of the whole number which polled.

1376. Of those on whom you relied as good promises, did the great majority poll on the first day?—Yes, the great majority of electors polled on the first day.

1377. Are you aware that there were more than 20 or 30 who had promised you, and whose votes you relied on, that were unpolled at the commencement of the second day?—There were more than 20 or 30; I should state that, with a few of my personal friends, I went over the list of the persons unpolled at the close of the first day, and we came to this conclusion, that our class of voters unpolled were of that sort which we could rely upon, generally speaking, and we had still great hopes of carrying the election.

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1378. Were all your committee unpolled at the close of the first day?—I do not think they were.

1379. If you had these votes promised you, what was the cause that turned the election against you?—The other side were able to bring up a certain body of neutrals and doubtful voters.

1380. Were they persons who had previously promised you?—Many of them were persons who promised that they would not vote, but did vote, and several who had promised us voted against us.

1381. Can you state whether the polling became slack during any part of the first day, compared with what it was during the first two or three hours?—About one o'clock it became slack, that being the dinner hour.

1382. Did it become brisker after that, or did it remain slack till the close at four o'clock?—It slackened after one o'clock, and remained so during the whole day.

1383. Were any efforts made by your party to bring up voters, whom you expected to vote for you on the first day, who had not voted?—Many of us called on individuals to request them to come up, and finding the plan of public breakfasts had succeeded so well in bringing up our opponents to the poll, I persuaded different gentlemen to go down to the different parishes to state the fact to their friends, that the Tory party had succeeded in getting a great number of individuals to poll, and that it was essential to our success that they should come up, and I took an active canvass myself, and called upon different friends, and requested them to come up, in order that we might have a fair appearance upon the poll.

1384. Was any reason assigned by those who did not come up on the first day, for not coming up on the first day?—I am not aware of any particular reason being assigned.

1385. Did you yourself endeavour to bring them up?—Yes, I called on a variety of our friends, to ask them to give their assistance, stating that I considered the election somewhat in peril if they did not come up, and they came up very well.

1386. Are you aware that any solicitations were made to the voters in your interest to come up on the first day which were refused?—I have no doubt there were refusals, but it made no impression on my mind.

1387. Of those voters who had promised you to remain neutral, and who subsequently voted on the second day against you, do you know any thing of the inducements by which they were led to come up and vote?—I know of one, a singular instance, of a public carter, whom I employed to a considerable extent, whom I had seen on the day of nomination, and asked him how he intended to vote; he told me he did not intend to vote on either side; he wished not to interfere, because he thought it would be injurious to his business; I said, "Then I may depend upon your remaining neutral?" to which he said, "Most certainly." He did not poll on the first day; but on the second day, to my astonishment, he came up and polled. At a short interval after the election he called upon me with his bill, and I paid him, and I said to him, "Now, what induced you to vote, after the promise you made to me of not voting?" and he said, "I thought you would speak to me on the subject; I could not do otherwise, I was forced to go up to poll;" and he said, "In order to keep my promise I actually went out of town, to my father's house, that I might not vote; as I had promised I would not vote, I was very anxious to keep my word, but half a dozen of my other employers came to me and told me, if I did not go up and vote they would deprive me of my work." The man seemed ashamed of the position in which he was placed, and said, "Gentlemen ought to get us poor men the ballot, or else we cannot by any means give our votes as we like."

1388. In your opinion, do you think the shortening of the duration of the poll to one day would operate as a check both on bribery and intimidation?—I have no doubt it would.

1389. You have already suggested that you consider the bribery oath no impediment to corruption?—No impediment, certainly.

1390. But, on the contrary, it leads parties to commit the crime of perjury, in addition to the other crime?—Yes.

1391. Do you think its abolition would promote the public morals?—Decidedly.

1392. Would its abolition also prevent its being used as a pretence for delaying the election?—Yes.

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1393. Are there a considerable number of the freemen of Ipswich in a poor and dependent station of life?—Most of them.

1394. Are they in a low station of life?—Most of them are in a dependent station of life.

1395. Are most of them in the employment of the manufacturers or tradesmen of the town?—A large number of them are persons employed by others; very few indeed of them obtain their living by using their own capital.

1396. How is the freedom at Ipswich acquired?—By birth and servitude.

1397. Is it by servitude to a freeman, or to any person in the town?—To a freeman for seven years.

1398. Are there any fees upon admission?—Yes, there are fees upon admission, which I explained to the Corporation Commissioners, before whom I gave evidence; and in my opinion the payment for the admission of these freemen is used as an instrument of bribery.

1399. What is the amount?—I am not certain whether it is 3*l.* or 4*l.*

1400. Does a large portion of that 3*l.* or 4*l.* consist of the stamp?—I do not know.

1401. Are there a great number of respectable tradesmen and manufacturers at Ipswich who are not freemen?—A large portion of what is called the respectability and wealth and intelligence of the town have no connexion whatever with the corporation. I will not answer for its being quite correct, but I do not believe that among the whole of the freemen, including the corporation, there are 40 individuals who pay at the rate of 10*l.* a year in poor's rates.

1402. You mentioned just now the fact of these admission fees being an instrument of bribery; was it the practice, before the Reform Bill, to pay for the admission fees of freemen?—It was the practice of the candidates to pay the admission fees on both sides, the universal practice; and the freemen, generally speaking, waited for an election in order that they might obtain their freedom without cost.

1403. Was it just upon the eve of an election that these freemen were admitted in general?—During the election.

1404. Was it in order to qualify them to vote?—Yes; there generally was a great court held the day before the election, at which a great number were admitted.

1405. Since the Reform Bill, has that practice gone on of paying the admission fees?—Since the Reform Bill it has not been done at all. When I answer that question, I am answering only with reference to our own friends; the corporation is in the hands of our opponents.

1406. Were there large admissions of freemen either immediately previous or during either of the late elections?—Of the registration, I presume is meant.

1407. Were there large admissions made previously to the registration?—I do not think there was. I would wish to state one fact, that not having paid the fees of admission, and having from principle refrained from paying them, many of our young freemen are not admitted, and are waiting to be admitted whenever we are ready to pay the money; we have declined paying it, and they were not registered at the last election.

1408. Was there any expectation on their part that some political friends in the borough would pay their admission fees as freemen?—Certainly there was, and several of them have come to me and asked me to pay them, and I have consulted some of my friends upon the propriety of forming a committee, and subscribing a certain sum annually to pay for them, because they are individuals in so poor a station of life that they cannot afford to pay the 3*l.*; they have not the means.

1409. Has any such association been formed?—No.

1410. Has any association for a similar purpose been formed on the other side by your opponents, that you are aware of?—I do not think there has.

1411. Has there been any talk of such an association in the town?—Not that I am aware of.

1412. Do you know any instances in which applications were made by freemen at the last registration to pay for their admissions, and which were refused?—Yes, I remember a case or two of individuals who asked me whether I could arrange a plan for it, and wished to know what plan was adopted.

1413. Did you refuse to arrange such a plan?—I did.

1414. Do you know whether those individuals were actually admitted afterwards?—I think they were not.

1415. Is there at the present moment an unusual number of freemen qualified

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to become freemen, who might, if any body was disposed to pay their fees of admission, be admitted at the next registration?—I really cannot say; I know there are a number of men, but not being in the corporation, or a free burgess, I am not so well acquainted with the freemen as others who are.

1416. Who determines the amount of the fees of admission, does the corporation themselves?—I do not know.

1417. At the last registration was there an immediate contest anticipated?—No.

1418. Was there a very careful attention to the register on both sides, and were votes disputed?—It was attended to to a certain extent, but we had no professional men; I attended myself one day. In consequence of its not being properly arranged beforehand, several gentlemen, our most active friends, got up the thing hastily, and we attended to object and defend.

1419. Was there any professional man on the other side?—There were several.

1420. Though no candidate was brought forward, was it generally understood that there were professional men acting on behalf of the Blue party?—There were professional men, but by whom they were employed I am unable to answer.

1421. They were persons who defended the Blue votes and objected to the Yellow votes?—Precisely so.

1422. Is it your belief that parties who had the means of doing so, and who would pay for the admission of a large number of young freemen previous to the registration which might take place six months before the election, supposing a dissolution was certain to take place in the course of that year, could succeed in placing a great number of young freemen on the list of registration favourable to themselves?—They could not place a large number.

1423. Why not?—Because persons not residing in Ipswich would have very little inducement to take up their freedom, and the admission could be made only from amongst about 300 individuals, their sons and their apprentices, and there are not a great many tradesmen who are freemen.

1424. Then the numbers as compared with the numbers who used to be admitted on the eve of an election, would be limited by the exclusion of the non-resident freemen?—Just so.

1425. In your opinion would the non-registration of freemen in this way be also limited by the unwillingness on the part of persons to whom application was made for payment of the fees, to trust him so long before an election?—I think the other party having possession of the corporation are in the constant habit of bringing up their young men regularly at every court to get them admitted, and they have a strong motive to do so, because there is an annual election for the magistrates, and those only who are admitted can vote.

1426. Who are the returning officers at Ipswich?—The magistrates elected the previous year.

1427. Who are the electors?—The freemen.

1428. Is there not an annual contest between political parties at Ipswich for the election of the magistrates, which is thought to have great influence on the election of Members of Parliament?—Up to 1826 there was, but not since, to any great extent.

1429. Why to less extent since 1826?—I will explain the reason; I took a part for a year or two in the corporation contests, and I found they were attended with great bribery and extraordinary corruption; and after having myself been familiar with those scenes, and becoming thoroughly disgusted with them, I gave them up, and did not interfere for several years; my friends however went on, because they considered it was necessary till after the next election of 1826, although they were exceedingly disgusted with the course necessary to pursue, that of corruption and bribery on a large scale; but when it was found in 1826 the men were so corrupt that it was necessary in an election for Members of Parliament to bribe, or it was useless to expect success in the election, the parties with whom I usually acted came to the same conclusion as I had done several years before, they did not think the end answered, and determined to abandon the annual contests; the electors were corrupted, and it was impossible to carry any election on without bribing upon an extensive scale.

1430. Was it the practice for the sitting Members of Parliament, in order to preserve their political influence in Ipswich, to take part in this bribery and corruption in the election of magistrates?—Yes, they advanced considerable funds for that purpose.

1431. Then

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1431. Then was it an annual expense to them?—Yes.

1432. Were the funds principally supplied by the sitting Members of Parliament for that purpose, and did they amount to a large sum?—I will not say principally, for as much as between 4,000*l.* and 5,000*l.* has been spent on one side in one contest, which was raised by a general subscription of the Members and their friends.

1433. Did you find after all that these municipal contests cost more than they were worth?—Yes, not only cost more than they were worth, but did irreparable injury to the character and morals of the electoral body.

1434. You said a little while ago that in the election of 1832 one party did not bribe in consequence of the Reform Bill, and the other party did not attempt it because it was useless to do so, but that at the last election the practice of bribery was very general; to what do you attribute the difference in the practice of bribery in the two elections?—There was no bribery practised in 1832, for it would have been inoperative had it been attempted; but there was in 1835, as it gave a good chance to the opposite party, for the reason that the late administration had lost their hold in a great measure upon the feelings and sympathy of the electoral body.

1435. Do you mean to say there was no strong popular feeling sufficient to carry the election in favour of one party?—There was not; the Whig Government had lost the sympathy of the electoral body, which they had possessed in 1832.

1436. Was that feeling expressed in 1832 on behalf of the sitting Members?—Exactly so.

1437. Do you mean to say, that the constituency of Ipswich is much more open to the influence of bribes when political feeling does not run strong?—Yes, I do.

1438. With respect to the influence which the corporation may exercise upon voters, have they any charities under their control at Ipswich?—Large charity funds and large corporate funds.

1439. Are those corporation and charity funds impartially distributed among the different freemen, whatever their political opinions may be?—Certainly, some few deserving individuals are placed upon the corporation charities; but, generally speaking, they are used for election purposes.

1440. Is it the impression among the general body of the freemen, that the way for them to derive any benefit from those charities, is to vote with the corporation?—Yes, and one case of bribery, which we have established upon our petition, is an instance of an individual voting in consequence of the promise he received that he should be placed upon the foundation of one of those charities.

1441. Who appoints to those charities; is it the corporation; and what officers of the corporation?—I believe the most wealthy charity is under the direction of a warden and two or three assistants; I think they are appointed out of the portmen or common councilmen; I am not quite certain; but the Corporation Commission Inquiry has gone into evidence upon those points.

1442. What is the amount of the charities?—I think they produce an income of between 2,000*l.* and 3,000*l.* a year.

1443. Do you mean to say that that sum of money is applied principally to election purposes?—I am not able to answer the question to that extent; I would merely say that it is largely applied to the exercise of electioneering influence.

1444. Is it usual to give a bribe to the wife of the voter without his knowledge, and afterwards for the wife to induce the elector to vote, without any direct statement by her that she has got the money?—I do not know whether that is done or not; there have been reports to that effect at Ipswich during the election.

1445. Are you aware of any other indirect mode of bribery?—I would mention this instance: that I called upon one individual a few days before the election, who asked me to lend him some money, to assist him in paying his rent; I of course declined to do so; he pressed me very much; but I advised him to have recourse to his books, and to make out some of his Christmas bills, and get the money in that way; he told me that was impossible, and stated he was in a considerable state of distress, that he was afraid he should have an execution in his house, and asked me to lend him the money to pay his quarter's rent, saying that he would work it out. I declined, considering it illegal; and then he said to me, "But I can tell you how you can do it safely, send it under a cover to me through some person, or send it to a particular spot, so that I can get it." I said that was out of the question. He then said, "I assure you that is a plan on which the other party, I know, is going to act."

1446. What was the amount of his rent?—Eighteen pounds a year.

1447. Did he vote as a householder?—Yes, as a householder.

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1448. Has it ever been the practice of the candidates or their friends to pay the rates of poor voters who were householders?—No, it has not; the householders cannot vote unless they are registered, and they cannot be registered if they have not paid their rates.

1449. Is it, under the present system, the practice to pay the rates and taxes, with the view of qualifying them for registration?—No; but I have myself lent five or six individuals money to pay their poor-rates; and in every instance I have received the money again.

1450. Have you ever had any apprehension that, in case you demanded the loan, you would lose the vote?—No, not at all; I considered them as firm friends of ours, of strong political principles, but, in such circumstances, they could not at the moment meet the payment.

1451. Then, when you demanded payment of this loan, the demand was not received by the voter as a thing unexpected, but he fully expected to be called on to repay it?—No doubt; I never had to ask either of them for repayment of the money, but they brought it me without asking.

1452. Do you think, if you had not advanced the money, they would have been unable to be registered, on account of the non-payment of the rates?—Yes; but I am certain, if I had refused them, and they had borrowed the money any where else from another party, they still would have voted for our friends.

1453. Would you have advanced the money unless you had known them to be your friends?—I should not have advanced the money if I had not known their principles to have been decidedly in accordance with mine. I would wish to say, with reference to the 1 *s.* claim for registration, I have paid that in several instances, and never asked the individuals for the money, and they did not know that I had paid it; they had refused to pay it.

1454. Is not that 1 *s.* in towns added to the poor's rates?—In Ipswich it is done in this way: a bill is made out for the rates, and the 1 *s.* is put underneath.

1455. So that the 1 *s.* is a distinct payment from the other rates, and not incorporated in it?—Yes.

1456. And may not a party pay the other rates, deducting the 1 *s.*?—Exactly so.

1457. Would they not, on the next registration, be 1 *s.* in arrear, and consequently be struck off?—We have had it decided by our revising barristers that it must be paid within a particular time of the year, and it happened rather singularly that one year the whole of us in the parish where I reside were objected to. I sent down to the overseer between nine and ten o'clock in the evening to ascertain what objections had been delivered in, and he sent me word there had been a great number; I instantly stepped down to his house to look at them, and I found our opponents had objected to the whole of us on the ground of the 1 *s.* not being paid, the overseer not having demanded it.

1458. What was the decision?—The decision was, that as the overseer had neglected to require it, our votes were good.

1459. In those cases in which you paid the 1 *s.*, do you know whether it was previously demanded, and payment refused?—I learned from the overseer that it was demanded, and payment was refused.

1460. Does bribery exist among the better class of shopkeepers, as well as the lower order of shopkeepers?—No, I do not think bribery exists, but intimidation does.

1461. Do you conceive the ballot would be a preventive of bribery at Ipswich?—Yes, my sentiments are very strong upon the subject; I consider the ballot is the only security for the independence of the suffrages.

1462. Have you known bribes being given to parties to induce them not to vote at all?—I do not know of any instances; I have heard of such cases.

1463. You have stated that you do not think bribery extends to the better class of shopkeepers?—Yes.

1464. Have you not stated there was a great difference in the amount of bribes tendered, running from 30 *s.* to 30 *l.*?—Yes, that was with respect to the election of 1826.

1465. Was that difference in the amount of the bribes owing to the difference of the class of voters bribed, or the difference in point of time at which the bribe was tendered?—Both circumstances would operate somewhat, but principally I should say it was the time.

1466. Now, with reference to the exercise of intimidation, I think you stated that

that although the better class of shopkeepers were not much attacked in the way of bribes, yet that considerable intimidation was exercised over them?—Yes, considerable intimidation has been exercised; I know several of the most respectable shopkeepers who would not vote at all at the last election, fearing to prejudice themselves with their customers.

1467. Do you know of any instance in which actual threats have been used before an election to deter them from voting at all, or from voting on any particular side?—I know of a gentleman who called on a shopkeeper, and attempted to influence him; but it certainly there had not that effect, for he was a wealthy shopkeeper, and a Quaker, and no circumstance would have influenced his vote.

1468. Do you know instances in which custom has been actually withdrawn after an election, in consequence of the manner in which any particular voter voted?—I know of several instances where individuals have been threatened with the loss of custom if they voted in a certain way, and the accounts were paid up after they had voted contrary to the wishes of those persons.

1469. Does an apprehension exist in the minds of a considerable number of the shopkeepers of Ipswich, that if they exercised their franchise in a particular way, they would suffer in their business in consequence?—That impression exists to a great extent.

1470. Were those instances you mentioned at the last election?—Yes.

1471. From what class do they apprehend they will suffer in their custom, if they vote in a particular way?—There is a general impression in Ipswich, and I believe it is correct to a certain extent, (how far I cannot exactly say), that the Tory party are consolidating and concentrating their power over the tradesmen of the town to bring it to bear upon the election. Without absolutely asserting such is the fact, I can take upon me to say there is a general impression that they are doing it.

1472. Is it by the principal customers in the town, or in the country around the town?—The principal customers of the tradesmen in the town, and the country for several miles round.

1473. Can you state any fact to justify that impression?—One of our witnesses, during the present inquiry, has sworn to the fact that one of the candidates told him that the Tory party had arranged a plan of exclusive dealing, and the impression has gone forth that that is true, and I have been told repeatedly by persons that they do believe it to be true.

1474. Can you state, since the election has taken place, in the beginning of January, that any instances of exclusive dealing have taken place?—A gentleman in the same trade as myself employed a butcher, who lived opposite to his counting-house, and he has vessels which this butcher supplied with meat; this man voted on the morning of the second day for Mr. Morrison and Mr. Wason; the gentleman called in a day or two afterwards, and desired that his account should be sent in; and he has bought nothing further of him, and would not even allow him to have coals or malt from his warehouse, but told him he would have nothing further to do with him. The man came to my counting-house, and told me the fact, and asked me whether I would have any objection to let him have coals and malt, saying the other party had determined to ruin him if possible; and he asked me whether I could, under those circumstances, have any objection to allow my captains to buy of him sometimes, as he was fearful of being ruined in consequence of the exercise of his franchise according to his inclinations.

1475. Was that man, who determined to close the account, was he strongly interested on the Tory side?—Yes.

1476. Which side do the gentlemen and clergymen in the neighbourhood of Ipswich take in politics?—The Tory side.

1477. Have they endeavoured to influence the votes of the tradesmen whom they employ?—One clergyman I know, who has made himself conspicuous at the elections, has closed an account with a friend of mine.

1478. Are you aware whether, previous to doing this, he intimated his intention of doing so, in the event of your friend voting against him?—I am not aware of that.

1479. Are you aware how long he was in the habit of dealing with him previously?—I am not aware of all the circumstances, but I believe ever since the gentleman came into Suffolk; he had not been there very long.

1480. Then, those two of the many instances you can mention, are the only two you

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you happen to recollect?—I could mention other instances of exclusive dealing, and accounts closing.

1481. You have no doubt many instances have existed?—I have no doubt many more existed.

1482. Does a general belief exist in the minds of tradesmen, that if they vote in any particular manner, their conduct in voting is likely to be visited upon them in the withdrawal of custom?—Yes; when I went round canvassing I was told this repeatedly,—"We were injured last time in consequence of voting for Mr. Morrison and Mr. Wason, and they have not protected us by the ballot, and we do not think we are called on to make the same sacrifice again for them;" that was the frequent reply that was made to me when I was canvassing.

1483. Do you know whether the persons who gave that answer to you, voted at all at the last election, and whom they voted for?—Several of them did not vote at all.

1484. In the course of your canvass, did you find voters who told you, "We are willing to vote for you, if a case of necessity arises, or we are sent for, but we would rather not be called upon to vote, unless it is a case of necessity?"—Many.

1485. In point of fact, did you call upon voters who made that answer to you, to come up and vote on the second day?—I did, and was, at the time the poll closed, with two very respectable tradesmen in Ipswich, who placed themselves in my hands in this way; one of them sent a message to me about nine or ten o'clock in the morning of the second day, requesting to see me; I called, and he told me it would be very unpleasant for him and his friends to be called upon to vote, they wished not to vote; but if at any time I could come to them and say we had reason to believe their votes would turn the election, they would not hesitate to come up and poll; they said, we will leave it to you altogether, as a point of honour, but do not call upon us unless our votes are essential to carry the election; if they are we will come, but do not place us in the situation of offending our friends, if we merely swell the minority; and in consequence I waited with the gentlemen till the poll closed, and did not ask them to go and vote. Several more tradesmen acted on the same principle, and did not vote.

1486. In most of the cases where custom is withdrawn, supposed to be in consequence of voting, has it been done without the party withdrawing the custom, assigning any reason for it, but being totally silent?—I think, generally speaking, the reason has not been assigned.

1487. Can you imagine, by any law that you can make upon the subject of intimidation at elections, that you can so far interfere as to prevent a customer withdrawing his custom, in consequence of the vote given, provided he does not assign that the reason for withdrawing the custom is in consequence of the vote given?—I am not aware of any that can prevent a customer withdrawing his custom from an individual who votes contrary to his wishes, if he is aware of the way in which the man has voted, but he could not have any motive to withdraw it, if he did not know how the man had voted.

1488. Can you interfere with the freedom of dealing, by making a specific law upon the subject, assuming the votes to be given openly?—Certainly not.

1489. Could you interfere by any enactment with a case of exclusive dealing, connected with a declaration on the part of the party that he has abstained from dealing with the individual on account of his vote, so as to show the intention with which he did the act?—I am not prepared to answer that.

1490. If you did make a law on the subject, is it not possible that the party might withdraw the custom without assigning any reason at all?—Certainly.

1491. When a gentleman has gone into the shop of a tradesman with whom he has been in the habit of dealing, and asked for his vote with an appearance of great interest, is not the effect upon that tradesman's mind such as to induce him to believe that if he does not give the vote, he runs great risk of the loss of that gentleman's custom, whether he holds out any direct threat or not?—Without a doubt, and I have known instances in which it has produced that effect.

1492. Have you not yourself people under your own influence in giving their votes?—Yes.

1493. Did you not make an application to the carter you mentioned because the carter was in your employment?—I made the application to him because I happened accidentally to meet him in the street.

1494. If

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1494. If you had not employed the carter, if you had met him accidentally in the street, would you have applied to him?—Probably not.

1495. Did you not exercise to a certain extent an influence over him, as his employer?—Doubtless.

1496. Did you, in making the application to him, indirectly express or intimate to him the relation in which you and he stood towards each other?—I do not believe I did, it was not necessary for me to do so; I was a large employer of his, and he felt the influence, I am persuaded, when I asked him.

1497. You stated that in 1832 there was a great deal of political excitement in Ipswich, are there not some classes of tradesmen who are under the influence of the gentry, and another class under the influence of the mass of the people?—Yes.

1498. In times of political excitement, do you not think there is a class of tradesmen who would be controlled by the exercise of what is called public opinion in giving their votes?—I think in our constituency it would not have that effect; they certainly are influenced by public opinion in the same way as every man is influenced to a certain extent by the opinions of the persons around him.

1499. Can you not conceive the case of a conservative tradesman being controlled and intimidated by the exercise of popular feeling?—Not among our constituency.

1500. Are there many publicans in Ipswich?—Yes, about 100.

1501. Do they depend for their custom upon the body of the people?—Yes, I think they do.

1502. If in 1832 many of the publicans had voted in the Tory interest, do you not think they would have suffered injury from it?—No, for this reason; the corporation, with their funds and places, have always a great power over a certain class, or certain number of the poorer class of the community, who would support such publicans.

1503. Would not publicans in their interest have lost some of their customers among the popular party?—I dare say they would.

1504. Does not the popular party exercise a control on the one side as well as the corporation on the other, and would not the ballot correct both?—The ballot would undoubtedly correct both.

1505. Is it not desirable that a tradesman of conservative principles should give his vote according to his conscience?—Beyond a doubt.

1506. And if there was any control exercised over his vote at present by reason of his customers being of reform principles, the ballot would correct that control as well as the influence of the gentry in the other cases?—Yes.

1507. Do you think the ballot would protect parties who were required by their employers not to vote at all?—It certainly would not protect them, because they would be seen entering the booth; for instance, I have several men whom I employ who are voters, and though I did not see them myself go in, other persons would inform me.

1508. Suppose you made it a condition of their remaining in your employment that they should not vote at all, would the ballot protect them in voting?—Of course it would not.

1509. But would it not restrain your interference, or that of any other master, to the simple case of voting or not voting?—Certainly.

1510. Then would it not reduce the mischief to one-half?—Undoubtedly.

1511. Is not the mischief of preventing men desirous of voting on one side from not voting at all, only one-half the mischief occasioned by compelling men to vote against their consciences?—Certainly.

1512. Is there any feeling in favour of the ballot gaining ground at Ipswich?—The events at the last election I would say have materially strengthened the feeling in favour of the ballot, for instance, many of my own particular friends who were heretofore strongly opposed to the ballot, have now declared themselves converts to the ballot.

1513. Do not tradesmen feel themselves now exposed to inconveniences from which the ballot would relieve them?—Certainly.

1514. In referring to the last election, do you mean the intimidation that was used, or the extent that bribery was practised?—Both.

1515. Have they become advocates for the ballot partly from the feeling that it would check the extent to which bribery has been committed?—Yes.

1516. With a view to the general morality of the town?—Yes, the pure exercise of the suffrages.

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1517. Who grants publicans licenses at Ipswich?—The magistrates.

1518. Are they borough magistrates?—Yes.

1519. Connected with the corporation?—As the charter is constituted, both parties in the corporation are magistrates.

1520. Do you believe the granting publicans licenses is made use of for election purposes?—I do not think it is.

1521. Is that because there are two parties, and one party would countervail the other?—Exactly so.

1522. Is it within your experience that, in the course of your canvass, a great many persons have concealed from the canvassers and their neighbours what their intentions were with respect to their vote up to the very last period of the poll?—I think many have done so.

1523. Have they done so with a view to the protection of their own interests?—Many I have known to do it with a view to prevent the exercise of intimidation.

1524. Has the concealment lasted for a considerable time?—For, perhaps, a week or two.

1525. Is it your belief that the parties who, for the sake of protecting their own interests, have concealed their intention to vote up to the moment of the poll, that they would continue to conceal the manner in which they had voted subsequently to the poll, if the ballot was in existence?—I believe those individuals would certainly do so.

1526. Do you think there is a considerable portion of the constituency with whom you are acquainted who would avail themselves of the power of concealing their votes?—I can hardly venture to say what portion would do so.

1527. Do you think the timid ones would do so?—The timid ones would undoubtedly do so.

1528. At any rate, supposing a man voted by ballot, whether the direction of his vote was suspected or not, when he was actually voting he would have no motive to give it in any other way than his conscience dictates?—Certainly not.

1529. Do you not think the ballot would check the breakfasts you have spoken of?—I have no doubt it would put an end to them altogether.

1530. On what ground do you form that belief?—Because many of the individuals who are brought up are persons not at all to be depended upon, and no person would take the trouble, or be at the expense of giving them breakfasts, when they had no security for obtaining their votes, and could never tell how they had voted.

1531. What security at present exists for obtaining the votes of persons who are entertained at these breakfasts?—The treats, &c. which they have received, and the publicity of the vote.

1532. What security exists for the parties entertained at these breakfasts afterwards voting for the persons on whose behalf they are so entertained?—There is a certain *esprit de cœur* they get; and another thing is, they have a certain feeling which I apprehend would induce them to go up with a gentleman, and poll with him.

1533. Does that feeling arise from the system of open voting, and would it not cease to exist if it was not known how their votes were given?—I think the parties, under the system of the ballot, would feel themselves too much in the power ofsuch persons to run any risk whatever with respect to those individuals.

1534. At these breakfasts does not some respectable gentleman generally attend and go up with the poor voters who attend these breakfasts, and see how they vote?—Exactly so.

1535. Is not a man sent to watch them from the moment the breakfast concludes till the vote is given?—Undoubtedly.

1536. What security is there for the vote being given in accordance with the wishes of the person so watching them?—I am not able to analyze the motives which would induce an individual to vote, and upon that it would depend.

1537. Is not the same security given by a man who wishes a certain thing to be done by another; he does not let the man out of his sight from the time the breakfast concludes till the man actually votes; he watches him during the whole time?—Undoubtedly.

1538. Is not the promise more likely to be kept, if the person to whom the promise is made knows whether he who makes it fulfils it or not?—Certainly.

1539. Might not those persons who received breakfasts before they voted expect from the same person a dinner or supper after they voted?—Undoubtedly they might

might expect some treat afterwards, and certain it is that only a few weeks ago they did receive one.

1540. Is it usual at Ipswich for the successful party afterwards to entertain his friends at a dinner or supper?—The plan at Ipswich which was pursued up to 1826 was, that the men received for their votes two guineas if they chose to receive it; that was a present immediately after the Member took his seat.

1541. Has that been the practice since the Reform Bill passed?—No, nothing of the sort.

1542. Is a dinner or supper given?—Nothing is given by the candidates.

1543. Might not some of those persons who assembled at the breakfast, and who are taken to the poll, be persons who are in expectation of receiving rewards of different kinds from the parties?—I know many of them went there, expecting to receive rewards for their votes; and I know many went to the breakfast who had received promises of employment.

1544. Did they expect those promises to be fulfilled after they had fulfilled their part by voting for those candidates?—Exactly so.

1545. Are you of opinion that any law, making it penal to interfere with a voter by a threat, to withdraw custom, or in any way, by threats, to influence the votes of the voter; are you of opinion any law of that sort could be made effectually to check the practice of intimidation?—I do not think it would be effectual.

1546. Do you know any other mode which would effectually check it except the ballot?—I have had experience in elections now for several years, and it is a subject to which I have frequently turned my attention, and I confess I have arrived at the conclusion, that there is no other mode but the ballot.

1547. No other effectual mode but the ballot?—Yes.

1548. Did you ever consider the suggestion of enabling a Committee of the House of Commons to strike off every vote proved to be influenced by intimidation, allowing the parties themselves to give evidence of that intimidation?—I believe, from the nature of the injury sustained or apprehended, it would be almost impossible to obtain evidence.

1549. Must it not result in such cases to direct intimidation, since from the mode of indirect intimidation or mere apprehension on the part of the voter, you probably would have to strike off almost every vote?—Exactly so; and in reference to county representation, as a corn merchant, I have come into contact with a large body of farmers in the district in which I reside, and the individual feeling among the farmers is, that their vote is their landlord's; and they exercise their elective franchise in unison with the feelings of their landlord, and nothing but the ballot can by possibility, as it appears to me, give the freedom of voting to that class of the constituency.

1550. Are you a freeholder of the county?—I am.

1551. Have you had much to do with the elections for the county of Suffolk?—I have taken a part in them.

1552. Do you generally find the tenants vote according to the will of their landlord?—They generally do.

1553. Do you think if the ballot existed, according to your knowledge of the opinions of the voters of the county, that there would be a difference between the votes of the landlords and their tenants?—I am persuaded there would be a vast difference.

1554. Do you believe, in point of fact, that the uniformity which now exists to a great degree between the votes of the tenants and the feeling of the landlords, arises from a feeling on the part of the tenants, that they will injure their interests with their landlord by voting contrary to his wishes?—I know that to be the fact.

1555. Do you know whether the farmers, in most parts of the county of Suffolk, are tenants under leases or tenants at will?—I am not prepared to state that; but I am prepared to state, that it is quite a delusion in the House of Commons, to suppose that there is a difference between the tenants at will and tenants upon lease; the fact is, that in our own neighbourhood, in Suffolk, the covenants in the leases are never strictly observed by the tenants; they violate them, and are therefore under the mercy of their landlords as much as the tenants at will.

1556. Are the leases or tenures usually beneficial ones for the tenant, and are the farms rather underlet?—I am not aware that they are underlet; in the existing state of agriculture they certainly are not.

1557. Is there much competition for vacant farms?—There is considerable competition; for farms from 150 to 200 acres there is very great competition.

1558. And that would be the class of tenantry that are most under the beck of their landlords?—Yes, because they are men of small capitals.

1559. If the ballot was established, do you not think that a good landlord, in whose political integrity his tenants had good reason to confide, would still exercise a wholesome influence over the tenants?—I have no doubt that his moral influence would not be weakened.

1560. Do you not think he would exercise all such influence as is consistent with the free will and the choice of the tenant himself?—Yes, he would still retain a moral influence, a legitimate influence. I should like to mention one fact, which I think will illustrate the view I have taken with regard to covenants. A large landed proprietor within a few miles of Ipswich, determined, previously to the election for the county in 1832, to have a breakfast for his tenants at his hall, and his steward sent a circular, requesting them to attend at the hall, to escort the Tory candidate to the hustings upon the day of nomination; there was a postscript to that letter, and it was to this effect: The rent audit will be on such a day, and you are requested to bring an account of the cropping of each of the fields upon your farm. Men in that situation are completely at the mercy of the landlords; for it is not usual to adhere strictly to the covenants.

1561. Can you furnish the Committee with a copy of the letter, omitting the name of the landlord?—I had one of them in my possession, given me by a tenant of the landlord in question.

1562. Have you got one now in your possession?—No, he wished it to be returned, and accordingly I did return it.

1563. Has it been the custom in the county of Suffolk, to your knowledge, to make an application on the part of the candidates to the landlord, previous to canvassing his tenants for permission to do so?—I cannot say what has been the practice of the candidates upon this subject. I only know that his friends invariably endeavour to bring into operation the influence of the landlords.

1564. Have you known instances of the tenants being canvassed without the consent of the landlord being previously obtained, to your knowledge, upon large properties?—I am not aware that it has been the practice of the candidates to ask for permission.

1565. Have you known tenants having promised to vote for particular candidates, before they knew their landlords' wishes upon the subject?—I have.

1566. Have you known any case in which the landlord has required them to break those promises?—I have; many.

1567. Were those landlords gentlemen, equal, in point of character and respectability, to the generality of gentlemen resident in the country?—Certainly; but I am not prepared to say they knew the individuals had made promises to the other party.

1568. Do the landlords in the county of Suffolk consider they have a claim upon the voters of this nature?—Most assuredly; it is the general feeling.

1569. Do the tenants wish for the ballot?—I believe they do.

1570. Did the opposition of the Whig Government to the ballot tend to affect their popularity?—Among a certain class of voters undoubtedly it did.

1571. What do you mean by a certain class?—I mean those borough voters, who had felt the pressure of intimidation.

1572. You say that the Whig Government had sunk in public estimation; was their objection to the ballot one of the causes of that?—That would be one cause operating upon the mind of certain persons.

1573. Do you mean to say that was one of the causes that produced the alteration of political feeling?—That was one cause; I will not say it was the most influential, or to what extent it was influential.

1574. I understood you to say that the great desire for the ballot at Ipswich has arisen since the last election?—It has been greatly extended since the events of the last election.

1575. If the ballot existed at Ipswich, do you think the present sitting members would have been returned?—I have not a shadow of doubt they would not.

1576. Has the corporation of Ipswich much house property or much landed property within the limits of the borough?—Very little house, but much landed property in the county.

1577. As landlords, do they exercise much influence?—Very little in the borough.

1578. Is there any large proprietor who holds much of the house or landed property

perty within the limits of the borough?—I should think that species of influence is not much exercised.

1579. Has there been any disposition among the poorer sorts of people to form combinations for exclusive dealing as regards this or that particular tradesman?—No, I do not think there has.

1580. Is there a disposition on the part of the Whig or the Tory party to enter into any undertaking as to exclusive dealing?—I never heard of it beyond what I have stated.

1581. Not as a means of defence?—I have not.

1582. Do you yourself prefer dealing with those who vote with you?—I will tell you what I have done since the last election; I have employed as my tradesmen two or three persons simply from the fact of their having been discharged by the other party.

1583. Do you think you would be doing a right thing to withdraw your custom from a tradesman, with whom you had dealt for some years, and who had given you no cause of dissatisfaction, simply because he voted upon the opposite side to you at the election?—I should not.

1584. Was the custom which you distributed after the last election amongst the tradesmen withdrawn from persons who voted in the opposite interest to you?—I would not say that it was withdrawn at all, but that I extended it among these; I have not withdrawn it, but merely extended it amongst those, in consequence of their having been injured by the withdrawal of custom by the opposite party.

1585. Then, instead of employing one, you have employed four or five?—Yes.

1586. There was one thing you said in the course of your evidence; you thought confining the taking of the poll to one day would tend to prevent intimidation being as successful as it is now; in what way would it produce that effect?—On the second day of our election there were the clergymen, the magistrates and other persons, going amongst the tradesmen who were not polled, to influence them not to vote, or to vote as they found most likely to advance the interests of their friends.

1587. Does not the motive to exercise this influence become stronger on the second day, when the number who have voted is known, and it is made manifest the contest is a very sharp one?—Exactly so.

1588. Might it not also have an effect in this way, that it would facilitate the absenting of voters who wish to avoid voting altogether? Could they not get away much easier, if the polling was only one day than if it was two days?—The only instance I know of individuals going out of the town to avoid voting at the last election at Ipswich was on the second day, when they were afraid to vote, and hired a horse and gig, and went into the country five or six miles, in order to prevent solicitations upon the second day.

1589. I think you mentioned the case of one man who had absented himself during the whole of the first day, but he was brought up to poll the second day, a carter?—He did not absent himself on the first day; he was engaged in his daily work; but he went out in the evening to his father's, and slept there to secrete himself.

1590. Do you believe, if the polling had been confined to one day, the man would have voted at all?—He would not have voted; he would have exercised his own inclination to abstain from voting. I would just mention as one means of bribery at elections, the practice of carrying flags in procession; individuals are employed to paint these flags, and the money they receive to paint these flags is in fact bribery.

1591. Are you able to state instances in which people were paid for painting these flags at a much higher rate than a fair remuneration for their labour?—I am not.

1592. Do you think the bribery consists in the payment for the labour performed, or is it only a mode by which bribery is carried on?—It is a strong inducement for a journeyman painter to vote for a particular party when he gets 3*l.* or 4*l.* for painting a flag, which only occupies him three or four days, and at a time when he has perhaps no work to do.

Mercurii, 20° die Maii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Joseph Parkes*, called in; and Examined.

Mr. *Joseph Parkes.*

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1593. YOU have been engaged a good deal in electioneering affairs?—I have.

1594. As well in elections as in conducting cases on petitions before Committees?—I have.

1595. And also in conducting prosecutions for bribery?—I have. I will state to the Committee where locally I have acted; I have been employed in Cornwall 12 or 13 years since, and had the active management as the clerk on the Camelford Committee of Inquiry, which was a very noted case; I was an agent for Mr. Evans at Leicester, in the noted contest of 1826, and I was a principal agent of Mr. Spooner at Stafford, in the contest with Mr. Beaumont in 1827; I have been at two Coventry contested elections in the borough of Warwick, and I have acted in the counties of Worcester, Warwick and Stafford; also under the old system as a solicitor in Birmingham, I have been engaged frequently in finding out and sending considerable numbers of non-resident freemen, who, in a large town like Birmingham, belong to Liverpool, Bristol, Norwich, Worcester and other towns; I was concerned for the Liverpool Disfranchisement Bill and the Warwick Bill; I also conducted Mr. Tennyson's contests at Stamford, and the subsequent contest by Mr. Gregory; I have now some peculiar cases from York and Leicester.

1596. Can you give the Committee any statement of the modes of bribery which you have observed practised at any of those elections?—I have seen various modes of bribery in practice, which I might class as direct bribery in small constituencies, and also bribery in larger constituencies. The close corporation system in Cornwall was quite a distinct bribery, and was conducted by the agents of the candidates and voters, but that I need not trouble the Committee about, because in point of fact small corporations are in Schedule (A.) such as Camelford, where there were but 25 votes. A deputation of electors generally made an arrangement for a certain sum of money, which was divided, generally, in equal proportions among the corporators.

1597. Does any similar distinction exist in the system of bribery pursued by the smaller constituencies now extant, such as Stamford, which is small as compared with Coventry and Leicester?—I consider that almost every place has a system of corruption peculiar to itself, where the same end is obtained, and the same system of corrupt practices prevail, but in different modes; I have seen many gentlemen openly pay down agreed sums, and before the poll, and I have been privy, that is, I have had a personal knowledge: generally speaking, the bribery is contracted to be done after the expiration of the period for petitioning; I am now confining my observations to direct money bribery, but which of course I do not consider to be the only species of bribery; money's worth is equally bribery. The most open system I have ever personally known practised is in Stafford, and where they have a very peculiar system of voting, which I will explain to the Committee, because it involves their system of bribery. The freemen there vote by the alphabet of their surnames; the consequence is, in a close run election, the persons who represent the lower names in the alphabet, below M particularly, exact very much larger sums than the electors of the earlier letters in the alphabet; and I have been present when very remarkable arrangements were made.

1598. A late letter is considered a lucky thing at Stafford?—It is considered a great risk, because the electors' gain very much depends upon the poll; about the middle of the alphabet a man may get little or nothing for his vote; one later has the chance of getting a larger bribe. I do not think the shrewd men in Stafford like to be low down in the alphabet, but it is the popular notion in Stafford that they get more by being later in the alphabet. The system of bribery at Stafford is rather altered at present from what it was 30 years since. There existed, I was informed by old freemen, a very singular club in Stafford, which they kept to a maximum number, or rather, to a minimum number, sufficient to carry the election, and they shared the money which the candidates brought; and it is singular that the club had a *tail* to it, that is, a class of voters who did not belong to the society,

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but who were candidates to get in, in case of vacancy, by death or otherwise; the tail frequently voted without money bribes two or three elections, for the chance of getting into the club. The club always maintained a sufficient majority, but not more than sufficient, in order that the plunder might not be too much subdivided. But the club has been long broken up. I have seen in Stafford an open treaty in our room by a very considerable number of the leading masters of the borough, who came to make bargains for the men, consisting of the first shoemakers in Stafford, men of some opulence, who have been the bargainers for the price to be paid to the men; and I have seen the price of a boot rise from 5*l.* up to 14*l.* during the progress of the poll with two candidates, one raising the price above the other; and I have seen an instance of one of our own committee-men polling against us under a bribe, after he had sat with us three weeks. On our canvassing arrangements I have seen the bank notes paid to the masters for the men, where the masters were active electioneerers on a certain side, and they made the bargain and took the money for the men, giving it to the men after they had polled, and on that occasion the agents of the losing candidate, Mr. Spooner, spent upwards of 6,000*l.* in treating, bribery and corrupt practices. I cannot state that I have a personal correct knowledge of the sum spent by Mr. Beaumont, but I should think Mr. Beaumont must have spent from 12,000*l.* to 14,000*l.* in the town; and for weeks during our expenditure (as we originally contended with another candidate), and during the days of the polling, the most brutal drunkenness prevailed throughout the town among the lower classes. With the last election for Stafford I am not at all conversant.

1599. When was the last election for Stafford you were cognizant of?—The election on the death of Mr. Iremonger, after the election of 1826. The principal direct money bribery I have seen in the payment of money, has related principally to freemen; and what I am cognizant of from arrangements in other towns, and known practically, has been the system of bribery by some customary given sum paid the freemen; these sums vary: a very low sum is paid at Leicester, but which is so influential, that if not paid to one-sixth or one-fifth of the constituency, they will not vote for a candidate.

1600. How is the arrangement made?—It is generally by honorary engagement with the agents.

1601. What is the sum?—In Leicester I think it varies from 1*l.* to 2*l.*; in York the sum is notorious to election agents; for a plumper 2*l.*, and for a single vote 1*l.* in cash; and in Hull there is a direct money payment to them.

1602. Has that been since the passing of the Reform Bill?—Yes.

1603. With what description of persons are those honorary arrangements made?—In point of fact they are always made, I should say, with, or indirectly through, the principal agent for the candidate, the gentleman most in his confidence in regard to the money arrangements; though he is not the mechanical perpetrator of the bribery, he is affected with a complete knowledge of it; for example, in the case of Stafford, which I attended, of course I had too much good sense to pay any single person myself. Mr. Ingleby, a most respectable solicitor of Birmingham, the principal agent with me, being my senior, we both of us detested the system, but certainly we were all cognizant of the arrangements made, and I should say we were so far implicated, that though we did not know exactly how it was paid, or by whom the money was drawn from our resources for doing it, we had a knowledge therefore, though participation in the offence could not be traced home to us.

1604. Who were the mechanical agents?—In the case of Stafford I can state now how it was done; we took a very respectable innkeeper of London, who was in our confidence, who lived at another inn, and through whom all the bank notes passed, and it was managed with certain parties from another confidential stranger who would take the money and dole it out to the masters. The money I frequently saw paid to the masters. That individual was sent out of the way, the London innkeeper I mean, pending the chance of a petition; indeed I have known in my own personal knowledge and practice, several individuals sent to France; I have known a clergyman in a Cornish borough sent to France, and out of the way many weeks; I have known a very respectable merchant in London, who managed a Cornish borough, sent out of the way to avoid the service of summons, and, as a clerk, I have gone backwards and forwards to him during the whole investigation of the committee.

1605. In those honorary engagements, who are the mechanical agents, as you have

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have expressed yourself?—The mechanical agents are two or three confidential persons, generally strangers to the electors, brought down to pay the money; I should say that all the different sections of the bribed in the town have some leading agent or active electioneerer, on whose word they can rely, and who is put in communication with the stranger.

1606. They look to a person upon whose assurance they rely?—I could name individuals in five or six towns, but I do not think it would be right, in whom the clubs had confidence, and if he gives them his word that he has secured their interest, they vote, and if it is not given, it is a hazardous contested election.

1607. Do they receive a sort of assurance from him that all will be right, or words to that effect?—Yes, that is the context of the understanding. There is another description of direct money bribery in my view, in relation to the freemen, very important to state, and that is, the habit of paying for their admission; that of course is now limited to the time of taking up their admission under the Reform Act, but it still continues previous to the registration; and it is notorious that the active agents of particular local parties of the town, or of particular candidates, are in the habit of regularly paying admission money to the town clerks, which I consider a direct money bribery, for this reason, that it is in my own personal knowledge if one candidate will not do it to secure their future votes by paying for their freedom, they go over to the other side who will do it. The third class of money bribery, the most extensively carried on, is the payment of rates, and that is the only department of bribery that I can say I have been mechanically engaged in; indeed we have always had great doubt how far it was illegal; it has by most committees been held to be legal, but it is a conflicting doctrine; we never considered that we were doing acts of bribery. In the town of ———— I have known the agents take from the bank, or from the candidate's purse, money to pay up rates.

1608. ———— is a scot and lot borough?—Yes; I have also done the same in Stamford, and have ordered it to be done, and paid for it for two candidates.

1609. Stamford is a scot and lot borough also?—Yes; no freemen.

1610. Amongst what class of persons were those payments chiefly made?—For the most part the needy scot and lotters, and sometimes in instances that would surprise the Committee; persons who ought not to receive such a bribe from the candidates have had their rates paid up.

1611. Any 10*l.* householders?—I cannot state that it does affect the 10*l.* householders; I have known a 10*l.* householder a pauper, but only as a singular exception.

1612. Have any applications been made as to the paupers to pay the rate?—Constantly made, and particularly by the wives; indeed I might say that they, perhaps, for the poor voters, take almost a more active management of election concerns, as to the money, than the men. All agents, (the first step in a scot and lot borough), ascertain the non-payment of rates, and in many instances we go and pay for persons whom we know to be in our own interest, and unknown to them, and for those who may be out of the town, in order to secure their votes.

1613. In that case it is *bonâ fide* a loan?—It is, sometimes; then, to carry out this part of the subject, I should state that there is an extensive payment now in counties, of the shilling for voters; indeed I have gone with my friends and registered 150 at a time, paying all the shillings myself.

1614. Do they refuse to vote, unless the shilling is paid for them?—I cannot exactly say that they have made it a money bargain, but they object very much to the shilling; they think it an imposition and invasion of the right they ought to have without payment of a shilling; but, from their neglect to pay it, and the condition of some, we are in the habit of paying for many.

1615. Do you mean to say that the shilling operates as a bribe?—Yes; I should say it frequently did, in a limited degree, in many instances; I have been well aware of a number of persons so poor, that they could not conveniently pay that shilling for the purpose of obtaining their vote; and I can state a curious fact as to the northern division of Warwickshire, the other day, where the shilling payment operated very considerably in the division, near Coventry, in which there lived a number of poorer weavers. The Conservative agent registered 80 or 90 votes, who lived in a district particularly favourable to the liberal candidates; when our canvassers went to canvass the new voters put on the last year, they found a very honourable feeling among them; they would not promise us their votes

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from the other party until we had repaid the shilling to the agent; I authorized a person to repay the money, four or five pounds, and I believe he did; they split for the most opposite candidates, the most Tory and the most Radical one, and I believe they all promised to vote exclusively for the Reformers at the next election, and I really believe it was a very honest feeling that they owed their votes to the Tory agent who had registered them, and from a feeling of gratitude. Being an important number, we had a good deal to do with them, and treated them accordingly.

1616. You have given evidence as to systematic payment of money; have you any experience of bribery carried on by more casual payments going on during the poll?—I should say that a considerable degree of bribery exists in loans of money, part of which are meant to be repaid, and part never are. I have seen a note-case of such vouchers, and it is a very ordinary practice to avoid the appearance of bribery, varying from 10*s.*, on bits of paper, up to 5*l.* and 10*l.* and 20*l.* It is a very common practice to pay rent, because in many instances a landlord may be a man of opposite politics, and threatening his tenant, the voter goes to the party he adheres to, claiming assistance to pay his rent. I think there is another considerable class of bribery, in money's worth, promising premises to persons when vacant, and promising situations, and promising accommodation land to them. I have known numerous instances where accommodation land, in the neighbourhood of towns, is the most influential consideration which can be presented to electors.

1617. Employment?—Yes, and employment. In some towns the treating really amounts to bribery; the access to a public-house for weeks, for the saving their own money, and getting twice as much spirits and fermented liquors as they are accustomed to, is in point of fact a gift of money and material influence.

1618. Are those loans of money and payments of rents, and promises of premises, and so forth, effected principally through the agency of the individuals connected as partisans with the candidates, and not as recognized agents?—I should say that the latter, viz. grants of premises, are effected very much indeed among the active partisans and committee-men; but a great number of arrangements connected with such bribes come through the agent, are made directly through the agents, who know the individual connected with the party most likely to induce the voter, by promise, to vote. The Committee are probably aware that in many towns there are particular gifts of money's worth, pigs particularly; the evidence on the Corporation Commission shows, in one particular town, a pig is usually an additional bribe with money.

1619. It is not a cant phrase for the price of a pig?—No. Some towns are happily free from bribery, until, like a rot, it once begins, and then I have never known it leave a town; in Coventry, where there are the most corrupt practices, it has never been in my knowledge that either party has given money; I dare say there may have been instances without my knowledge, yet I doubt the degree, though it is a corrupt town in respect of elections.

1620. How do you mean corrupt?—There is the most systematic treating I have ever known prevail there, and the best managed. It has never been brought home to any candidate, though there have been many election petitions.

1621. Have the goodness to describe it?—The treating has long gone in Coventry by the name of "hot suppers and hot breakfasts," and there is a peculiar election beverage in Coventry, without which numbers of freemen hang back and are unwilling to vote, it is called "buttered ale." The public-houses are open on both sides; the parties are known as the Sky-blue and the Dark-blue, or corporation and anti-corporation party, and both parties equally treat; there is a series of public-houses opened, and I should consider as far as regards that, the innkeepers are thus subjected to a very direct bribery, and for this reason, in all towns I have known, in Stamford and Warwick, and Leicester and Stafford, the innkeeper comes to the committee room and makes a most direct bargain, "If you do not open my house, I will not vote for you." The profit they get by the treating of a particular candidate, is a most direct bribe to the innkeepers; as a proof, I have known one innkeeper change sides in Stamford, for the purpose of getting a better treating candidate, and change his votes.

1622. How long before the election does the treating begin?—It does not begin long before, but it is carried on up to the very day of the poll, after the teste of the writ.

1623. Are you of opinion the innkeepers carry many votes along with them?—No,

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No, I do not think that they do; I think that the innkeeper is more often under the power of certain parties who frequent his house; he is not generally a man of much influence; indeed I know a very remarkable instance to the contrary: in the last election at Birmingham, where the innkeepers and beershop-keepers were much incensed against the popular candidates Mr. Atwood and Mr. Scholefield, and where they threatened to oppose them for votes on the subject of the Beer Bill, and by which a great hubbub was created in the town, the non-electors frequenting their houses put out a public advertisement, calling upon the electors and non-electors to visit the publicans, and remind them of their interest, and thus to coerce their votes.

1624. Was that effectual?—Yes, I understand it was, and that the innkeepers, or many probably, voted contrary to their declared intentions.

1625. They were intimidated by their customers?—Yes, and I believe the Committee, if they inquire as to Stafford, may learn some very particular circumstances connected with the innkeepers there.

1626. You have stated that this treating at Coventry has never been brought home to any of the candidates, will you explain the mode in which it is kept out of legal cognizance?—I speak only with the knowledge of one side; I believe it is hardly possible to trace the treating system; I should say it is impossible to trace the money paid to the innkeepers to any person connected with the election, or to any candidate, but I should decline to explain why, and I do not believe there are above two or three of the most active agents in Coventry who are acquainted with the mode; I am sure the majority of the Committee are not.

1627. But the thing is notoriously done, and has never yet been detected?—It has not.

1628. Though allegations of treating have been contained in the petitions?—I cannot speak from personal knowledge of the allegations without referring to the petitions, but almost every return has been attacked on petition, and of course the party would have proved treating, if they could have availed themselves of the proof.

1629. Would it have been probable that if the one side had attempted to bring evidence of treating against the other, the other side would have retaliated?—Probably they would, and I think there is a very honourable feeling in some towns, not to avail themselves in their petitions of the corrupt practice indulged in by both parties, and particularly as to the freemen. I know we made a written arrangement in Stafford, that we would discourage any petition for bribery, and no person promoting a petition for bribery could ever appear at a second election in Stafford, with the least possible chance. I mentioned to the Committee, that peculiar customs prevail in particular towns; some towns are particularly free from certain practices of corruption, and other towns from other practices. I never heard in my life of a bribed voter at Warwick, till the election of 1831, though a native of Warwick, and present at many elections, and the demoralizing effect of it was most lamentable when once commenced. I heard it insinuated to have taken place in 1831, I am not sure that it was practised then, but in 1832 it was most openly practised.

1630. Extensively?—The extent of it I should say was limited; but then the Committee should know that the previous return had been carried by only 16 or 17 votes.

1631. Have you observed a perceptible difference in the morality of the town since that practice commenced?—Very great indeed, from bribery and other corrupt expenditure of money, and also in the state of society. The consequences of these profligate contests are, I conceive, most extremely lamentable and injurious to the town; I do not speak with reference to any party, but I speak with reference to the conduct of both parties, not in bribery, because I firmly believe the liberal party do not bribe, but as to the state of society from party feeling and other expenditure.

1632. With reference to the state of society and the mischief, can you give details?—I should say that all parties in Warwick, before the contest under the Reform Bill, lived on very amicable terms, both the higher and the lower classes in the town. It is scarcely credible what has subsequently been the effect of party spirit among all classes of society, even between gentlemen and the lower classes, and the consequences have also been most injurious to shopkeepers. The customers extensively transferred their custom, and the tradesmen complain that the wealthy landed proprietors and gentry in the neighbourhood have left them and gone to others; to a certain extent I should think both parties have practically

resorted to very exclusive dealing, and all parties, more or less, suffered in their custom. Indeed I know that no prominent member of either party, generally speaking, would have now any dealings with men of opposite party principles; I know that intimate personal friends, and men who used to meet at the same table, are now on hostile terms, and that they speak one of another in language exceedingly disgraceful and very lamentable.

1633. Do you connect this with the introduction of direct bribery in the town?—No, with the general system, the mode of conducting elections, the party spirit engendered by the system.

1634. Do you conceive it to be consequent on the introduction of direct bribery?—Not consequent on the introduction of bribery alone, but resulting from the whole system of treating, and the election petition presented to expose the corruption, and the legal proceedings afterwards instituted.

1635. You have said that before 1831 no bribery had ever been practised in Warwick, do you mean to confine that expression to the payment of money?—Yes.

1636. A species of indirect bribery by loans and payment of rent and rates, and promising employment, and so forth, you believe to have been practised to a certain extent?—No, there was only one contest, to be called a contest, in Warwick previous to 1831, which was on the loss of the Catholic Relief Bill, there was a vacancy by the death of Mr. Charles Mills; Mr. Tomes was then a candidate, and a Mr. Wynn, a stranger, contested against Mr. Tomes, and made a very miserable poll; that was the commencement of any opposition between the two parties. There had previously been a sort of tacit understanding that the representation was divided between Lord Warwick's party and the independent party, and to show what little impression political opinions had with the constituency, Mr. Mills, who was the representative of the independent party, was as decided a politician as Sir Charles Greville, but to secure the independence of the town in one return, many Tory gentlemen who did not approve of the return of two Members in the interest of Lord Warwick, united with the Whig party to secure one independent representative at that time; this was about 20 years since, and the Tory influence in the independent party being the strongest, they selected individuals of consonant political opinions, and Mr. Mills being connected with property in the town and neighbourhood, and a London banker of very high character, was selected as the individual. When he died the liberal party had increased their numbers, and then they selected a liberal candidate; but I should say a great number of the old Tory party promoted Mr. Tomes's election too; then on the Reform Bill the contest began by the return on the part of the liberal party of two Members, to the exclusion of Sir Charles Greville, and by a majority of only about 16 or 20.

1637. You say that bribery was not practised on one side though it was on the other, do you confine your expression of bribery to the payment of money?—Except to the payment of rates; both sides paid rates, but I have never known an individual of the liberal party give a direct money bribe otherwise than by paying rates. I should however say that a great deal of most improper conduct prevailed with that party by the arrangement of masters as to employment, and so on. I have been cognizant of a number of cases which I consider extremely corrupt.

1638. Do the political partisans on the liberal side pay money?—I should say there have been loans and assistance and arrangements for rent, and for the change of premises when they were turned out of their home by the opposite party, all of which were extremely improper modes of influencing voters.

1639. Offered for the purpose, and understood by the person to whom they are offered as being for the purpose of influencing his vote?—Most distinctly so.

1640. Have you any thing to add to the information you have given as to the different modes of corruption and bribery?—No, I am not aware that I have a knowledge of any other mode of corruption that I should class under as bribery.

1641. Have you any thing to say as to counties?—In counties I should say that bribery in a direct sense was rarely known or practised.

1642. Have you ever been cognizant of any improper act in counties?—I cannot say that I have any knowledge of any direct act of bribery in counties, and I attribute that in a great degree to the large number of the constituency.

1643. Have you been cognizant of a hard run election for a county?—Yes, I have known the numbers within 20 or 30, and the second day dependent on the superior exertion of parties, but I have never heard any proposition of bribing an individual;

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individual; it is never till late at night or early the next morning now that we know who have not voted.

1644. To what extent have you known the opening of houses, and treating voters?—To an enormous extent; I believe the election of Mr. Frank Lawley for Warwickshire cost him very little less than 30,000 *l.*; he paid 2,600 *l.* or 2,700 *l.*, but that was under the old system of polling; the limiting of the number of days has very much economised county elections as respects the candidates, but much improvement might be still effected.

1645. Have you known the treating begin long before the day of election?—No, I have not; the treating is now very limited as to time in counties, and chiefly confined to the lower class of voters.

1646. Is it done under the name of refreshment?—Previous to the polling it is done in the counties by what is called "shepherding." If you have a district where there are a number of people in a humble condition of life, in the weaving or manufacturing districts for instance, you cannot secure their votes safely without opening some neighbouring public-house, inviting them at night, and not only addressing them, but giving them beer and victuals.

1647. On the day of setting out for the poll they breakfast perhaps?—A great deal of treating takes place, as well as on the day of the nomination as on the polling days.

1648. In a county, have you ever known great expense, in the way of treating, incurred during the canvass?—Very considerable expense indeed; on a canvass, some treating, during the canvassing, in the instance I have pointed out; but I should say that the treating in county elections is much confined to the days of the poll. I have analysed the bills for county elections; two of them I have analysed for the county of Warwick. If you give the least license for treating, you are run up many thousand pounds; unless you are a very experienced agent, and moderate in allowing discretion, you may have the expense doubled, by the folly of the agents and the excess of treating.

1649. You conceive it very difficult, if once you begin any thing like treating, to keep it within moderate bounds?—There is hardly any mode of putting an end to county treating, but by subdividing the places of polling much more than at present, and a very strict law.

1650. If you cannot prevent some expense being incurred by persons coming from a distance, might not some mode be adopted of issuing tickets by the sheriff or under-sheriff?—This is the first time I heard such a suggestion, but I think it practicable.

1651. If the expense was incurred out of a public fund, would not each of the voters consider himself entitled to it?—I should say the man was much better away, who required his conduct money, and treating to bring him to a county election.

1652. Have you ever known orders of that kind issued by the candidates to the voters?—I have, in towns; it is a very common thing to issue a 5*s.* treating ticket to a public-house, and, in order to save a per centage upon it, to cash it yourself. The holder would generally rather take 4*s.* in money than consume it at the public-house; 5*s.* in entertainment is of less value than what is called a discount ticket.

1653. Treating in counties takes place very openly?—Yes, because to a certain extent it is not considered illegal.

1654. Is it not within your knowledge that both candidates have made arrangements that they would treat to a certain extent?—It is by no means uncommon for two candidates of opposite opinions to make bargains that they will divide the expense of treating, and conduct money. I have often done it myself.

1655. Since the Reform Bill?—Yes.

1656. In fact, this treating in county elections does not operate as bribery?—I think it does not.

1657. Still, would a candidate stand a chance of being elected if he refused?—I have known an instance of voters coming to the agents of a candidate, and saying, "if you do not give us a breakfast, and take us to the poll, we will not vote for you;" and I have known even in towns, the place of county poll, the little managing-men, the "shepherds," say, "unless you will allow the voters a breakfast, and take them up to the poll, they will not vote." I do not think this ought to be considered as bribery, but it is a most corrupt practice, and ought to be terminated.

1658. Suppose

1658. Suppose you refuse them the entertainment and conveyance, would they vote for the other party?—I do not think that they all would; I think a large per centage of them would not appear at all; they would however be exposed to the risk of the other party, on the second day, giving them a treat, and polling them.

1659. Is there money paid to them to convey them?—No; in counties we generally make the carriage arrangement. The treating in towns is carried to an enormous extent in amount of money.

1660. There it begins long before the election?—Yes, and it is singular that it is in effect recognised as legal, up to the teste of the writ, by the very Act made to prevent it.

1661. Supposing any portion of the Statute were amended, and it was made equally illegal before as after the teste of the writ, do you think that would have a considerable effect?—Yes, and for this reason; that in a great many towns the parties discontinue open treating on the day on which they apprehend the writs will issue from London, the strictest orders being frequently given by the agents to stop the treating, except in towns, such as Coventry, where a particular mode prevails, or in Stafford, where all parties openly treat.

1662. Is not there a particular system for treating after the election?—In many places there are tickets given by candidates' agents; all the electors who have voted in a particular interest have a ticket; the superior class a 10*s.* or 15*s.* ticket, and the inferior voters a smaller one. I have known those cashed repeatedly, instead of taking the dinner.

1663. The state of the law, as it relates to treating, having been introduced, is there any suggestion you would make to the Committee, for the beneficial alteration of that law?—I think that the whole law on the subject needs revision and improvement, and the doctrine of Committees is so various, and their construction of statutes and their resolutions sometimes so contradictory, that I think consolidation of the whole election law is necessary, and very great simplification of it; but I do not think a law relating to the constituency exclusively would alone limit mal-practices. I am of opinion that a very effective and remedial measure might reach a candidate, and place him in a very perilous situation, as well as his constituents, for violation of the purity of election. The candidate ought to make a declaration, on taking his seat, of a most express nature. In some countries this is done with effect, and I have always understood it to be efficient: in some of the States of America there is a specific declaration by the candidate, who is liable to penalties in case of his previous violation of the law.

1664. Do not the friends of the candidates carry on the practices in those States?—I think a declaration might be framed that candidates could not avoid.

1665. Are you aware of the declaration that used to be made by officers on purchasing a commission, that on the word of an officer and gentleman, they had not given more than the regulation price; and are you aware that it was conceived a commission was never sold without more being given?—But that was not attended with a penalty.

1666. But as far as regarded the word and honour of a gentleman, that was considered inefficacious?—Yes, and there are declarations as to simony, which are not considered very efficacious.

1667. Will you state those cases?—I consider that there is more frequent gross violation of conscience in simoniacal bargains than in any other matters in this country.

1668. Will you state those cases in which you think violations have taken place?—If the Committee will allow me the illustration, I might do without that; the inference I draw is, that a declaration would be ineffective unless made in a very public manner and precise form, and with a penalty attached to it, which there are not in regard to the army and navy; such instances prove that a mere declaration, unaccompanied with specific penalties, have not the effect we should wish on the consciences of the declarers.

1669. Do you mean to say, on your experience and practice with respect to simony, there is a general violation of the engagement made, or only that you have known particular instances in which the engagement has been violated?—Of course I cannot say there have been many strictly within my own personal knowledge as a professional man; but I consider that the most unconscientious things have been done in regard to simony as well could be transacted.

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1670. Is that general practice, or only particular instances?—I should say not altogether general, but that they are numerous.

1671. Have you known many instances yourself?—No, I cannot say that I have seen them in my own practice, but we may have considerable knowledge as professional men what takes place elsewhere.

1672. General impression?—Yes.

1673. A general impression may be incorrect, unless supported by particular instances?—My only reason for citing the subject at all was as illustration.

1674. Do you believe the cases of simony so numerous as to afford a fair illustration of the inefficacy of such declarations?—I do; I consider so in relation to all oaths without penalties; I consider that a public declaration by men of character and station, with a penalty attached, would very much contribute to the end proposed.

1675. What is the declaration made in case of simony?—I should submit to the Committee that we are not going into cases of simony; I cannot say that I remember it exactly; I have read it repeatedly.

1676. You do not recollect the particular terms of the declaration made, but from your general impression it is very unconscientious?—Yes; I can procure a copy of the oath in one minute.

1677. Do you undertake to say that you know an instance in which it has been violated?—Yes, I do.

1678. Do you mean to say, that you believe it to be a general practice to violate it?—I believe there is a very general violation of it.

1679. On what do you ground your belief?—That which is stated by different professional men, one to another; the knowledge we have of such transactions; the general notoriety of such transactions.

1680. Have you any particular knowledge of transactions of that nature on which you ground your belief?—I have had knowledge of such transactions.

1681. Have you seen a great number?—I do not know that my knowledge would reach beyond three or four; but I have a secondary knowledge of a considerable number from other professional men from what I have heard from them.

1682. Can you give the names of those professional persons?—No, I should not choose to do that; I know one professional person who has very considerable agency in such matters.

1683. Your belief is founded on conversations with other professional persons?—Yes, which I believe to be correct.

1684. Do not you know that all professions are liable to peculiar imputations?—They are; my own is very much so.

1685. With respect to your own profession, it would be very easy for a person to express a general belief that the members of it violated their duty in cases brought before them?—I should say there was seldom a general imputation of the kind which was not founded in a great degree upon fact. I again beg the Committee to understand, that I merely alluded to the subject of simony, as considering it a mode of illustration as well as the instance of the army suggested to me first by the Committee. I could mention many others in which professional men and other persons commit themselves in the same way; the oath is put to them in elections in effect as to their being paid agents and retained as agents, and I am very much ashamed to say that they do not refuse it, while at the same time they have the knowledge that they are retained as agents, and that oath is violated.

1686. As to a declaration, are you of opinion it would have much effect in deterring the partisans of a candidate from incurring expense on his behalf and from resorting to those improper practices?—I think it would, if a direct declaration were made by Members of the House of Commons, framed in a concise and comprehensive manner with a penalty attached to it; it must possess great effect.

1687. On what conditions would you make that penalty capable of being levied, for the candidate could declare only so far as his knowledge went, and it would have to be proved that he was aware of it?—A candidate might be put under very considerable restraint by the declaration that he had not done or should not do, and was not cognizant of illegal acts; the penalty should attach also on his doing it afterwards.

1688. Is there not a considerable degree of treating carried on by the warm partisans of candidates without their ever coming upon the candidate to repay it, and without his cognizance, in the case of Members for counties?—This is sometimes the case; and that class of treating is increasing with the party spirit of the last two

or

or three years, and which has induced numbers of affluent persons on both sides to entertain companies of voters and to bring them up, and they do a great deal which is corrupt which would be much better undone, as far as the fair exercise of the franchise is concerned.

1689. Could the declaration of the Member have any effect in checking that treating?—No; I only think the declaration of the Member would prevent his purse being used for the purpose, the purse of the candidate being now often used in an unlimited extent.

1690. If the Member were to make that declaration, and the treating had been carried on by his partisans, do not you think that the effect would be the general impression you have already adverted to, that though the Member had made the declaration, he was not privy to treating, yet he was not perfectly innocent?—No, I do not think that evil would arise; I think treating independent of the candidate is carried on, and would be carried on without his being at all affected by the notice of it further than the public rumour of it, though for that sort of treating he ought not to be personally responsible.

1691. Is it a common practice to keep the candidate ignorant of certain transactions of the election?—Undoubtedly; I have known large sums paid by a candidate to his confidential agent, and he has never known the immediate purpose to which it was appropriated.

1692. Does any mode suggest itself to your mind, by which a candidate paying to a club or a general association a certain sum of money, as for the general expenses of his election, might be at once returned to Parliament by gross bribery, conducted on his behalf, though not by his knowledge, by the managers of that club, and yet be perfectly able to make the declaration alluded to?—I can conceive such a case, notwithstanding which he might make such a declaration; how far it would be conscientious or unconscientious would depend upon the particular circumstances.

1693. How far would you be able, under such circumstances, to enforce the penalty?—You could not enforce the penalty if the mal-practices could not be brought home, or if there was not some cognizance on the part of the candidate.

1694. Might not the bribery be carried on by the means of his father or his elder brother?—No doubt various modes of evasion might be resorted to, and probably would occasionally be resorted to.

1695. Such declarations would operate very unequally on minds conscientious, and otherwise, would they not?—Unquestionably. I have only mentioned a declaration as one of the various modes of preventing corruption, I do not say that I conceive it would be always efficacious. I am not aware of any possible injury that could result from it, and with conscientious people a great deal of good might arise; and there are many conscientious people on both sides, for I have known both sides equally inimical to any corrupt resort.

1696. Do you not think there is an objection to throwing impediments in the way of conscientious men entering into the legislature, which have no effect on unconscientious men?—I apprehend that the existing law and practice has pretty well illustrated that.

1697. Is there any other alteration in the law of treating you could suggest, which would have the effect of checking the practice of treating?—I think all the law on the subject of treating, ought to be revised and consolidated, and its penal consequences extended, and particularly the absurd part of the law altered which constructively legalizes treating before the teste of the writ.

1698. Would you have it extended to a certain period after the election as well?—Yes.

1699. Do you think acts of treating ought or ought not to be put precisely on the same footing as acts of bribery?—Yes; I think to a certain extent, treating ought to be construed bribery, but of course the law would make a distinction between that and a species of treating which is unquestionably legal, viz., that of bringing voters up from a distance, and giving them reasonable sustenance.

1700. Do you think it would be practicable to put the law of treating upon this footing, that the intention with which the supper or the buttered ale, or whatever it was, was given, should constitute the offence, and that the proof of the intention to affect the vote of the person treated should be the gist of the offence?—It would be altogether unreasonable that the candidate should be responsible for acts that he might conceive were done by his opponents. I apprehend that the question

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is, supposing thirty houses were open on the Blue side in Coventry, whether that fact should vitiate the return.

1701. The question for the Committee to try would be, *quo animo*, a certain number of men received from the candidate or his agent a certain number of dinners?—I apprehend that the great practical distinction now between a tribunal of the House of Commons and Westminster Hall is, that the House of Commons Committees almost entirely try the question upon the *animus*; that they assume a great deal that they have a right to assume; but that the House of Lords, from the strict doctrine, have almost always rejected proof arising from inference.

1702. Supposing a new law framed, do you think the principle of the less strict doctrine on which you conceive Committees of the House of Commons have acted would be that on which they should act?—Unquestionably; I think the doctrine of the House of Commons is generally right.

1703. Admitting it to be right, and the strict law of agency to be correct, do you not think where there is a great mass of treating, that there should be an alteration so as to make candidates answerable for that extensive treating?—I should be very sorry to see the law extended to bring it home to a candidate where really without his knowledge.

1704. Do you not think it just, where partisans have exercised bribery and treating without the knowledge of the candidate, though it should not unseat the Member elected by such practices, the Committee should reject the votes of the electors whose votes had been influenced through the means of the partisans?—I think that might, under certain circumstances, be fair, without at all attaching any liability to the candidate for the acts of his partisans. I never could conceive why there should not be a law to punish partisans; by the common law principle of corrupting voters, I apprehend that all the parties who resort to these acts might be convicted, if a grand jury would find a bill for corrupting the constituency.

1705. Do you not think a distinction should be made in the Report of the Committee under the Grenville Act, where they conceive the election to have been carried by bribery, although they do not trace that bribery home to the candidate himself, and the case where the election had been carried by bribery which they do trace home to the candidate, and that the Committee should be enabled by law to avoid the election which had been carried by a system of bribery although unknown to the candidate?—Yes; I think the Committee might advisably have a very extensive discretion; practically this might be accomplished, and Committees do give to the Act a great degree of modification now; they take all the circumstances together, and consider whether from what is really agency, there is a sufficient amount of proof to attach the offence on the candidate. We hardly ever bring strict legal proof of agency; there is a great assumption by Committees, and a very proper one on the part of the Committees, that is of undoubted inference from facts; they are judges in equity. We see a candidate in the room, we see certain parties constantly to and fro with them and with his legal agents, and though we have no evidence, no strictly legal proof that he has retained those people, they were all acting in common with him, and therefore the candidate is connected with their acts, responsible for such agency, but it is very seldom that strict agency is what is called legally proved.

1706. Do you not think it would be beneficial if it were understood that the effect of treating by partisans would be to prevent the candidate whom they supported retaining his seat?—Yes.

1707. Are there any insurmountable objections to avoiding a seat upon treating only by partisans without its being brought home to the candidate or his knowledge?—I think it would be difficult to frame a law, but if it should be framed, the Committees ought to have the same equity discretion of judging of the honesty of the return which in fact they now exercise, the Committees under the Grenville Act in fact, as above stated, determining on that very discretion. I have hardly ever seen a case of agency legally proved in a Committee, but the Committee act fairly and say, "We think you have given sufficient evidence to attach upon the candidate corrupt knowledge by himself, or through agents or partisans."

1708. They have no power of striking off particular votes which they think have been influenced by bribery or treating unknown to the candidate?—No, I have always thought that a defect; I think the limiting the reduction of the poll to acts of bribery is extremely absurd. I would strike off from the poll every man who has been treating and treated, if it can be proved that 50 voters living in a particular place have been treated at the expense of the candidate or his agent, I would strike

strike them all off. I consider one of these questions involves great difficulty in consequence of the present number of small constituencies; if we could deal with the whole system of representation there would be various modes of remedying all evils.

1709. Practically, you would reduce the list as in cases of direct bribery?—I should give the Committee extensive discretion in reducing the poll for various illegal practices, besides the giving or receiving a bribe.

1710. If it had been by treating instead of money?—Yes; I should in the former case strike votes off.

1711. Have you looked at the Bribery Acts as it respects bribery?—I have had occasion to do so from being engaged in several bribery actions, and I know the Acts thoroughly.

1712. Have you ever looked into it with a view of suggesting amendments?—I think the discovery clause, as it is generally called, is a most absurd clause, and that it has led to great evasion and nullification of the law, and its construction is an unsettled point in the Court of King's Bench.

1713. Is that the clause, "Offenders not having been before convicted discovering others within 12 months after election, on the conviction of persons so discovered indemnified?"—Yes; I have known not only the voluntary discovery, actions commenced immediately on the report of the Committee, but I do not hesitate to say that I have advised them on behalf of clients. I know they have been brought the day after we left Stafford. We then caused several actions to be brought in order to protect parties.

1714. Are you of opinion that no protection should be given to persons that give evidence of acts of bribery before Committees of the House of Commons?—I am not quite prepared to offer an opinion respecting the improvement of the statute, I came here quite unprepared, and I had rather hereafter deliver in a paper to the Committee respecting defects of the statute law. I may say that there are some resolutions scattered through the Commons Journals, which give very important suggestions, and some of the public debates on those statutes and other very valuable suggestions, but the resolutions particularly. I believe I have a note of all of them.

1715. Have you seen the Bill now before the House of Lords for indemnifying witnesses in cases of bribery?—Yes, I have.

1716. Do you approve of the principle of it?—I consider it one of the most important measures on election law brought forward of late years; that it will have the most salutary effect both in Election Committees and in Special Committees, but we contend with a great evil in regard to the latter Committees. It is a subject of just complaint that examinations before Special Committees are placed on a different footing from those of the Lords in respect of the administration of an oath; the evidence given before the Commons Special Committees is liable to great animadversion and detraction before the Lords, and naturally not being on oath. I could state some peculiar cases with respect to that; I have seen a great deal more truth told by witnesses not on oath in the Commons Special Committees as compared with examinations at the bar of the House of Lords on oath, and yet on a comparison of evidence it is argued that evidence on oath is always superior to evidence not on oath.

1717. Was that in cases where you knew what the state of the facts was?—Yes; I have seen very good reason against such comparative superiority. In one instance, whoever took the trouble to compare the evidence given before the Special Committee of the Commons, and at the bar of the Lords, on the Warwick case, would be struck with the gross contradictions between the two, in the testimony of the same witnesses. I will explain. The Commons Committee was well known to be determined to elicit the truth in that particular case; the witnesses were there treated with considerable severity by the Chairman wherever prevarication appeared, and the effect generally was the confession of the truth before the Committee; but when the matter got to the bar of the House of Lords, where a point was made in all cases of protecting them in the developement of the truth, where penal to the witnesses, and where the witnesses believed political impressions were different, I thought the inquiry much more calculated for the detection and punishment of corruption in the Commons, than at the bar of the House, and the witnesses in the Commons told much more truth to the knowledge of the agents on both sides, and gave a much more consistent story, as must have been notorious to the agents on both sides.

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1718. The evidence being on oath in the House of Lords, and not on oath in the Commons, did not affect their testimony in that respect? —It was more the nature of the tribunal; but if we had had the benefit of the oath being administered in the Commons Special Committee, the evidence given in that Committee would not have been liable to the imputation of inferiority.

1719. Are the Committee to understand that with regard to any Acts and Statutes on the subject of bribery, you will prepare a statement?—I will do so.

1720. With regard to the duration of the poll, have you any opinion to give?—I think very decided improvement would be effected if the polls in counties and towns were limited to one day, and, with some other polling alteration in counties, this might be done with little exclusion of votes. I do not think the limitation would have any party influence, for the second day's polls now generally bear the same proportion to the numbers of the first day. I have looked over a great number of local polls to prove this fact; and it is singular to observe generally the same ratio all through. A Member of the Committee asked me whether I did not think the assessment of expenses by the sheriff would be a valuable mode of arranging the necessary conduct money; I think a mileage might be regulated for distant voters, and it should be rendered penal to take more than that official allowance.

1721. The mileage assessed by the sheriff?—Yes.

1722. On whom would you throw the expense?—On the candidate; or his agents or partisans might pay it.

1723. You would, in fact, oblige every candidate?—Yes; I think if public-houses could be closed during elections, if resort to public-houses by partisans could be prevented, it would be a valuable economical arrangement.

1724. Yet when parties are travelling to a distance, must they not have accommodation at the houses of refreshment?—Unquestionably they must.

1725. From what you have stated in a previous part of your examination, the Committee collect, that a great deal of bribery is generated by the progress of the poll?—By the protraction of the poll. I think that almost all the second day's expense might be saved, except that which is incurred in the conveyance of voters. The expenditure on the second day in counties is very often excessive, the parties sending expresses in the night, and chaises and four; and I have known a most considerable expenditure to obtain the last few hours only 50 or 60 votes; I have incurred 20*l.* expense in getting a single vote the second day.

1726. Is not the knowledge of the state of the poll always a source of a great deal of bribery when the election is near run?—It is in towns; I am not aware that it is in counties at all.

1727. In counties it is not in fact known till the end of the first day?—No; in my opinion a close poll, the secresy of the poll, would be very beneficial in towns where there was only a single seat; but I should be doubtful how far it would be beneficial to keep the whole secret in the majority of the towns in England, where the local return is of two Members.

1728. Why would you make the distinction?—The numerous body unpolled should have the power of splitting where there are two Members and more than two candidates.

1729. Supposing the election is confined to one day?—The splitting can take place only by the knowledge of the progress of the poll. I consider it to be constitutional and proper that the voter should have the power of dividing his vote in such cases, according to the state of the poll. In many cases a very material alteration would take place on the second day, if the poll was secret instead of known during its progress.

1730. In place of establishing a system of secret voting, you would be disposed to recommend the announcing the state of the poll from time to time?—I am not prepared to express a decided opinion upon that.

1731. Would not the effect of making that declaration of the state of the poll from time to time be to render nugatory the attempt to give the votes secretly?—Yes; the question refers to the ballot; if the ballot was established, I should say it was preferable to declare the poll periodically, than to keep it secret till the conclusion; that is, where two Members represent a town.

1732. Could you prevent a person standing by as agent for each of the parties, watching the people as they gave their votes?—In open voting it could not be concealed of course.

1733. With regard to the question of threats and intimidation, and corrupt influence of that species, will you describe that which has come under your observation?

observation?—That class of influence is most extensive, and in many instances, of most pernicious operation, equally in counties as towns; I believe that it occasions a most fraudulent exercise of the franchise, and to a very great extent.

1734. Take counties in the first instance, describe the class of persons on whom it operates?—In counties the smaller freeholders are naturally very much under the influence of those on whom they are dependent for their subsistence, and of course the tenants are extremely dependent.

1735. The master over the labourer?—Yes; and the clergymen I know to have most extensive influence in many places.

1736. A minister over a congregation, whether dissenting or otherwise?—Unquestionably; of course I am not now confining myself to any party allusion.

1737. The creditor over the debtor?—It applies so much to the tenantry that the poll book is almost a topography of the estates, and it is irrational to suppose, whatever the reasonable or the proper influence of the landlord over the tenantry, that their political opinions are so extremely similar, as in the case of 30 tenants that the whole shall go with the landlord.

1738. Have you known a case in which, from the change of politics on the part of the landlord, the tenantry have voted differently on one election from what they did on the election immediately previous?—I have known the most remarkable instances; I have known a landlord correspond with a candidate on the subject of the corn laws, and I have known him send a list of the whole of his tenants, and that he should come with them and vote one way or the other, according to the explanation he received from the candidate. I have known other remarkable circumstances, I will not mention names, but I know the fact of the resident agent of a considerable property, the agent being of a class of political opinion different from the politics of his non-resident master, promising all the votes of the estate to a candidate. I wrote to London to a high family to influence this steward the other way, and the tenants were in consequence all polled contrary to their original promise through the above agent.

1739. Is it a common thing for a candidate to ask permission of a landlord to canvass his tenants?—It is, ordinarily. I do not consider it always an act of propriety to canvass amongst the tenants of a landlord on either side, and particularly my own side, without having the landowner's leave, and it is a common practice for us to write to request leave to canvass them.

1740. Suppose leave is refused, what would be the common practice?—The common practice is to canvass them without leave, unless there are relations with the landlord, which make it an awkward matter. I know a remarkable instance the other day of intimidation, and I will mention all the circumstances; they are known, and were matter of discussion in the county. Before Mr. Gregory was a declared candidate for the northern division of Warwickshire, we were getting up a requisition to him; I found in the register a new class of electors, between the year 1832 and last year, eight or ten electors who are brethren of Lord Leicester's hospital at Warwick; they are a corporation interested in their own foundation entitled to freehold votes. I personally obtained the signatures of the majority to the requisition; I saw seven of them sign; two I did not find at home; they belonged to what are called the popular party, the Blue party, in Warwick, and had, most of them, acted with that party. They were particularly inimical to Mr. Dugdale, because they happened to have a tithe cause with him; I state that to account for their natural feeling; a few days before polling I directed arrangements to be made for bringing them up, and I received a letter from the individual who went with me to them, stating that they could not come, because of the political feeling of the Reverend Mr. Kendal, the master, who was reported to have said that if they went to vote for Mr. Gregory, he would disfranchise them, the statutes of the hospital preventing their going a mile or two out of the town without leave. I wrote to remonstrate, and received an answer that the individual had seen Mr. Kendal, that he was very decided, that he had taken up a very decided opinion as to the church question, though he had always previously acted with us, and that nothing could induce him to give them leave. I saw the Reverend Mr. Kendal myself come up with some of these men in two chaises to Coventry, and poll them against Mr. Gregory, though they had signed the requisition to him; I stood by while it was done, and heard some strong exclamations at the poll upon the subject by some of our party. With respect to intimidation, I could hardly over-rate the effect of it; I will give a proof of that. In Stamford I have canvassed three times; I was present at Mr. Tennyson's elections; the notices to quit had a material effect upon

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the voters; I was extremely struck with the fact of considerable numbers of the electors voting there against their notorious wishes and principles. I kept a note book of the answers of a great majority of the scot and lot voters on Mr. Gregory's canvass, and entered in this book the answers, which avowed at least the desires of two-thirds of the electors. I canvassed to vote with the popular candidate; those who nevertheless refused to promise, stated that they must vote with the Exeter and other influence, from various reasons; some, that they must not offend the persons they depended upon; some, that they must follow those who dealt with them; some, that they dealt with other individuals who gave them credit; and I do not doubt that under secret voting these suffrages would have been recorded very differently indeed; I am not now entering into the question of expediency of the two modes of voting, but that of the willing exercise of the franchise; but for the influence and intimidation, and the sinister interests of various minds, the poll would be exceedingly different. We have had most remarkable instances in Warwick; shopkeepers of a particular class, who are exceedingly dependent on particular classes of society, are obliged to go with the class that deals with them. I have known persons express a most anxious desire not to be registered both for counties and towns. I know on my own personal knowledge a great number of tenants desire not to be registered, because they knew they should be placed under circumstances in which they must act contrary to their feelings; I know a great deal of exclusive dealing has taken place on both sides, for the open and avowed purpose of influencing elections. I do not confine it to one side.

1741. You are aware of threats not only being made, but carried into effect?—Yes, I know that a system of exclusive dealing was proposed in the borough of Walsall, against Mr. Foster, and I have known it take place in other towns.

1742. By what public evidence was that notified?—I have seen it in hand-bills, and in public associations formed for the express purpose of encouraging exclusive dealing.

1743. The threat has not been generally made beforehand, but the punishment takes place afterwards, in the way of withdrawing custom?—It is not always carried into effect.

1744. Is it not often done by previous suggestion, where it is not intended to be carried into effect, if the party does not attend to it?—Yes, I know this interference with the franchise exists to an extraordinary degree, even among the superior class of shopkeepers, and in new boroughs, and I have seen many men under circumstances of very great distress indeed; very public spirited men, in a remarkable manner, even in Birmingham, where there are upwards of 4,000 electors, tortured as to their votes. A very public-spirited man there has come to me and said, though I knew his liberal opinions, that he was so and so connected with various classes of different political men; that he really felt the possession of the franchise a nuisance to him; that he hardly knew how to vote; and I know electors oftentimes seriously injure themselves by their voting.

1745. Have you known that on both sides?—Yes; there is another large class who might by their votes influence the returns, whom both sides prevent from polling. Sometimes, if parties find that they cannot get an elector to promise to vote for them, they get the man to go out of the town. I have seen bribery of voters to go out of the town, that they might not vote against a party; and in close run elections, many Members of the Committee must know, that a common object of the electioneerers is thus to prevent certain people from voting, and that an election is often won by prevailing upon electors not to vote.

1746. Can you imagine any law which can reach these indirect modes of influencing votes, whether by threat or promise, as in the case of landlord and tenant, or customer and trader?—I am not aware of any law which can effectually reach this class of influence, except the alteration of the mode of voting. I do not know how far it is consistent with the inquiry of the present Committee to enter into that subject, but I entertain now very strong opinions upon it, and very different from those I once entertained.

1747. What opinions did you once entertain?—I believe one of the greatest prejudices I ever entertained was against the vote by ballot.

1748. The opinion you entertain now is in favour of it?—Yes; experience in Cornwall long since decidedly converted me to the ballot, and I have taken great pains to ascertain facts connected with that mode of voting in different countries and in different periods.

1749. You mean by "voting by ballot," secret voting?—Yes. I should distinguish

tinguish ballot-voting into two modes. I consider there would be a very great advantage by what is called open ballot by ticket. The mode of voting triennially at the election of 108 guardians in Birmingham, particularly exemplifies the value of the mode. No Birmingham man, who enjoys the parish franchise under the polling in one day, can doubt its superiority to open Parliamentary voting; I mean the voting by ballot tickets, under the provisions of the local Act referred to.

1750. What do you mean by ballot tickets?—The rate-payers deliver in ballot tickets; they vote by ticket, and it is hardly known in the town that an election is taking place.

1751. It is a secret voting?—Practically, I believe, it is, for no one has the curiosity to attend the scrutineers and see the tickets.

1752. Is their name attached to the ticket?—I think so.

1753. Is the name of the voter, and the name of the person voted for, placed upon the ticket?—Yes, and handed in.

1754. Not put into a box?—I do not exactly recollect.

1755. What advantage is gained by that mode, in preference to that at present adopted in Parliamentary elections?—The most disgusting scenes take place in the latter; men are insulted when they go to poll; nervous, elderly persons, I have known refuse to go; riot also is frequent.

1756. Voting by ballot ticket, it is not known the way in which a man has voted till the conclusion of the poll?—No; it is known then, and may be seen by the whole constituency.

1757. You stated that the tenantry, voting in such constant uniformity with the opinions of their landlords, induces you to think they act under intimidation?—Not strictly using the term intimidation, perhaps.

1758. It was stated by a former witness, that a very large proportion of the electors have no strong political feelings, and will not, under any system of voting, vote always from political feeling; do you not conceive that the absence of political feeling is more common among farmers than among persons living in a town?—Yes.

1759. Therefore that coincidence of voting may be accounted for from the want of political feeling?—Yes, I conceive a great many county voters are persons without any decided opinion; but I conceive that to delegate such a power to the landlord is very unfair, because one of the great purposes of vote by ballot would be to reach the mind of the elector. I think it is a very great evil that that mass, whatever proportion it may be, should be so much influenced by the landlords.

1760. You have described one mode of ballot which you call the open ballot; will you describe what you mean by secret vote by ballot?—What I mean by secret vote by ballot is the entire secresy of the vote.

1761. Do you think there is any mode by which that can be effected?—I do; it has been frequently effected, and may be again.

1762. Will you state the instances in which it has been frequently effected and may be again?—I think it is effected in many of our own social institutions and effectually, and I believe it is perfectly effectual in other countries; I believe that to a very great extent indeed it is effectual in France; and I am quite certain, from communications and facts known to me in relation to vote by ballot in the states of North America, that it is completely effectual there. The best practical mode of ballot I know is the New York system, as enacted in their recently revised statutes.

1763. What is that?—It is a particular mode of scrutineers and ballot boxes; and there is a very perfect system in Boston; I have taken much pains to inform myself.

1764. Are you in possession of any papers on the subject?—Yes; I have the whole of the law relating to the ballot in New York; the whole is laid down in the statute of 1831, the New York statute; I can hand it to the Committee; I have a description by a very intelligent Boston man, who is in the habit of coming to England, on the working of the whole system, and I have somewhere the description of the mode in operation in France.

1765. Have you information from America to know whether the names of the parties are in fact concealed?—I have taken great pains to ascertain the working; I may speak with confidence; I have connexions by relationship and otherwise with America, and am in frequent correspondence with Dr. Cooper and Mr. Roosevelt, occasionally with Ex-Chancellor Kent, and several eminent public legal men. I have taken great pains to ascertain the system of ballot in America; I printed an

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account of it at Christmas 1830–31; but I destroyed the sheets when the Reform Bill was brought forward.

1766. Have you preserved a copy of it?—Yes; and I made out the ballots of almost every State; and I think they show the superiority of the mode of voting in all the states. At the first federal union they had open voting, which they derived from this country; many states derived their franchise from this country, from the Stuarts and George the First; three or four of the States, subsequent to the Declaration of Independence, adopted the ballot: they found frequent elections attended with such evil that three or four of the leading States first adopted ballot. I believe out of seven or eight and twenty States there are but four retaining open voting. And another remarkable circumstance connected with their legislation on the subject is, that in no State, with one exception, where they resorted to secret in lieu of open voting have they ever returned to open voting; that exception was in the State of . In that State, in the year 1830 I think it was, they returned to open voting; the following year, however, the State legislature, by an unanimous vote, superseded open voting and returned to the ballot. The State of Virginia still practises open voting, but it is very easy to account for that; it is an aristocratic State. Up to the year 1830, across the mountains which divide Virginia, there was a very large district not included within the franchise. After a great contest, the franchise was considerably extended, but the ballot was not adopted or discussed; it was made no object, because the liberal party thought the extension of the franchise a superior and much more important question, and one of less prejudice; and so far from Sir Robert Wilson's statements being true which he made on the English Reform Bill discussion, that, in 1831, Virginia had rejected the ballot after having tried it; the ballot was never the subject of proposition or observation by any single member. Every State, therefore, in its municipal and congress and state elections, except in three or four, has adopted the ballot; I have had recent communication with many intelligent persons in the States, and it is a matter of general surprise to them, that the ballot should be, as to its effect, a subject of controversy in England. They never consider it a matter of controversy; it is put forward as a superior mode, and one which has almost the common assent of all parties.

1767. Is it a matter of surprise to them, that the expediency of the ballot is questioned in this country, and the mechanical means by which the object can be secured?—I have never spoken to any American who did not express the greatest surprise; I am aware that there has been considerable canvassing in America, and that it is extensively known in what way persons vote in periods of great public excitement, such as the controversy about the presidentship, and the tariff, and the Bank, reprehensible scenes unquestionably took place in some of the States, but none of them occur in consequence of the ballot. I never met with any intelligent American, nor any Virginia man, and I have met two or three very intelligent men lately, who did not express the greatest surprise at the controversy here on the subject of the ballot as a protection to voters against influence; that the ballot is no complete preservative against bribery—but there is little of it in America; for that I have no idea that bribery exists; but it protects from intimidation certain individuals, and is particularly superior as a mode of election. In a letter I had from the Boston gentleman, he states the ballot to be the only mode they could adopt to ensure them against the evil of periodical elections of their successive officers. If that the Americans had not adopted it, there would be no peace.

1768. Is it considered very valuable there as a protection against intimidation? —Yes, and many of the property classes there are the great advocates of it; and I believe the effect of it in this country could not but be of advantage, not exclusively, but particularly to those possessed of property in the country. I will instance the case of Ireland, where the returns would be much more honestly the expression of opinion, in consequence of voting by ballot. I know instances in which the violence of mobs has presented means of intimidation which has destroyed the fair expression of opinion; the effect perhaps has sometimes been in favour of opinions which I entertain myself, but which I am ashamed should be advanced by such means. I believe if we had the ballot in this country there would be a secrecy only on a certain per centage of the franchise; that would be in the instance of those not able to act up to their opinions on the open voting; I believe that three-fourths of the constituency who could afford to keep a conscience, would act just as openly as they do now, and why not? I do not mean to

say

say that the ballot would be at all effective in small constituencies, the law might be evaded as it was in Rome when dividing into small wards.

1769. You mean that in small constituencies the candidate would make his sum depend on the number he purchased?—Yes; he would say "in five or six hundred, I can bribe equally well with the ballot as without," perhaps he could not exactly so well; I should say he could not bribe so conveniently, but in the small Schedule (B.) boroughs I do not think ballot would prevent bribery.

1770. Would it prevent bribery to a certain extent?—Yes, where a constituency was not generally united, I think it would.

1771. How would they act when they wished to bribe voters in such cases?—I should say it could be done in Stafford, where the voters in Stafford, not above 1,000, vote: an agent might say, "If you place this gentleman at the head of the poll, I will divide 2,000*l.* between you;" and that might be done.

1772. For the complete protection of the purity of election, you think large constituencies supported by ballot would be necessary?—Yes, I do, and I think the Reform Bill has produced a more strange anomaly than ever existed before.

1773. In what respect?—By the small number of voters in particular places as compared with that of other boroughs; I have gone through a list of various electoral returns, and I think the average was under 230 voters returning Members, and in Schedule (B.) I can hand the lists in to this Committee, a complete analysis of the comparative number of all the constituencies of the kingdom, made up from the last Parliamentary Returns; any thing more politically anomalous does not exist in any country in the world.

1774. In the event of a constituency only partially corrupt, and that there were a large number of persons anxious to preserve the purity of the elective franchise, are you of opinion that attempting to bribe a portion with such a declaration as that you just alluded to, would or not be a very hazardous proceeding for the candidate and his agents?—Yes, I am.

1775. Hazardous in what respect?—As likely to vitiate the return and to originate penal consequences.

1776. Are you of opinion that such practice as the one you have alluded to at Stafford, could only have been carried on in a place where there was the sort of agreement you have mentioned mutually, not to avail themselves of the right of petitioning upon the ground of bribery?—I think great impunity is given to it by the general understanding that a seat for Stafford is never attacked on the ground of bribery.

1777. It is sometimes observed, that the ballot would be a protection to a voter, as you would not know in what way he voted, it would not be a protection if a person wishing to intimidate desired that the voter would not vote at all; what is your opinion of that?—Unquestionably such an effect might arise in a limited constituency, but that never would be an object in a large constituency, and if they made an effort to force them in that way, it would not serve a cause in large constituencies.

1778. At all events, would not the evil be diminished to one-half?—It would be less injurious if a voter was to stop away instead of voting improperly against his conscience.

1779. Would not this effect be produced, that wherever bribes were given, they would be given only by the successful candidate?—Yes, unquestionably.

1780. That half the bribery now given would be struck off?—Yes; all the bribery by unsuccessful candidates would never take place with a constituency of any fair number.

1781. Do you think that it would be called a legitimate influence, the effect of which would be to induce persons to whom the Legislature thought fit to give the right of voting, not to vote at all?—I should consider that most illegitimate.

1782. Do you mean, in adopting the ballot, to exclude canvass?—I think it would, in a great measure, limit canvass, and that that would be a very great improvement, for canvass at present is only an appeal to grosser passions in treating, and so on; I think that the effect of the ballot would be an appeal to their minds. Suppose the ballot for a county, you could have comparatively no mode of influencing votes but by an appeal to them in print on political subjects, and by speeches in person.

1783. Have you never found that a Member on a canvass has had an opportunity of answering aspersions on his conduct, which would have influenced the voter to vote for him, who, but for that, would have voted against him?—Unquestionably.

1784. Would the ballot prevent that?—No, certainly not.

1785. Nine-

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1785. Nine-tenths of the parties who vote at counties, for instance, are influenced by a communication with the parties, are they not?—I should think not, I wish it was so; I think they are influenced by very different modes.

1786. Were you understood to say, that in your idea, the ballot is coupled with the prohibition or exclusion of the canvass?—No; I mean that the effect would be to diminish the present modes of canvass.

1787. If the voters voted by ballot, the candidate would have it as much in his power to go on a canvass as he has now?—Yes, just as much; and I think the habit of what is called receiving the compliment would be some time before it passed away, but that gradually there would be a substitution of other appeals to electors, and the abolition of individual canvass would tend to diminish the expense of elections.

1788. But still the candidate might canvass as he has done?—Yes, and he would, if an individual elector was known to entertain the prejudices referred to. The benefit produced by the ballot would far more than counterbalance any evil of neglected explanation to particular voters.

1789. Do you mean to exclude Committees from entering into the merits of an election decided by ballot?—I think I would in a great degree; I think there is a great misconstruction of principles in trying particular votes. If the constituencies were sufficiently large, there would be no necessity for it. I have directed my inquiries to the subject of the American contested returns; they have a similar tribunal committee to ours; there is a particular law on that subject, but it is rare indeed that returns are contested.

1790. Virtually, where the constituencies are numerous, as in Middlesex or Westminster, a scrutiny is out of the question, is it not?—Certainly, and I believe, in many cases, a scrutiny case is brought forward merely to beat the opposite party by expense; I think there have been such cases this Session.

1791. Might not some improvement of the previous system of registration limit considerably the necessity for scrutinizing votes by the House of Commons, as entirely superfluous?—Yes, I think so; the registry ought to be final; and as to payment of rates, I consider the making the payment essential to the vote extremely objectionable; that it would be much better to take a longer period of rating, leaving payment as a matter between the voter and his parish.

1792. It is a temptation, both to the elector and the candidate, to have recourse to that expedient?—Constantly; I would rather see a man two years rated entitled to vote, than a man who had paid his rates for one year; it would facilitate register, and prevent bribery.

1793. Would you permit him to vote if he had left the place entirely?—I am not quite sure that a quarter per cent. of the franchise is not better legalized, though bad, than that after the registry it should be the subject of expensive scrutiny; I think, on the whole, when the List is made up, I would let every one on it vote, whatever might have subsequently disqualified. It is the lesser evil of the two.

1794. You would get rid of the declaration made, as to the parties retaining the same right of voting?—I would; I do not think it is a matter of any importance how we may be qualified between the register and the time of voting, the per centage of disqualification is so trifling.

1795. Is it within your knowledge, that that third question has given rise to a great deal of perjury?—Unquestionably.

1796. To a habit of giving answers not strictly in accordance with truth?—Yes; and that persons have been unjustly prevented exercising their franchise.

1797. The only evil that would result from getting rid of the third declaration would be, that you might have a very small number of out-voters who have not remained inhabitants after the last day of registration?—Yes; if there was not a half per cent. of the whole constituency disqualified, it is a much less evil than to subject the register to a purse scrutiny of the House of Commons.

1798. Has it come to your knowledge, that the corporation of London have lately abandoned the ballot, and resorted to open voting?—Yes, but under circumstances not analogous to the question of the utility of the ballot.

1799. Are you aware what their particular reasons were?—I am not fully, though I know generally.

1809. Are you aware it was not the constituent body of London in which this question of the ballot was agitated, but the Common Council of London?—Certainly; I consider the ballot a great violation of principle there exercised.

1801. The Common Councilmen are, as it were, the representatives of the city?—Yes,

—Yes, they are; on that very account the advocates of the ballot object to protect representatives by the ballot. Ballot by common councils is as unjustifiable as the voting of the French Deputies by ballot, because the representatives are responsible to the constituents. The Committee are aware that in one borough in England, the ballot was in action a century and a half ago, and that there was some remarkable evidence upon it; I allude to the western borough of Lymington, and it was there regarded as a great benefit; it is said that after the ballot ceased, they never had any peace; it was about 180 years ago.

1802. Are you aware that the corporation of Wisbeach some years ago took means for obtaining a mode of secret voting?—Yes, and in other corporations; I think at Portsmouth there is a partial exercise of the ballot.

1803. You were examined some time ago as to the fact of persons concealing their votes under a system of ballot, are you aware that at present any portion of the voters in towns or counties actually conceal up to a very late period of the election what their intentions are?—A very great number; I have known two candidates in a town at a loss to calculate the result of the poll from the number of persons who refused to pledge; it is a large per centage, and I should say it was a class of electors upon whom, in consequence, a great deal of mal-practice was brought to bear, because it is the universal practice of experienced agents, after going through the canvass, to make out a list of what are called the "doubtfuls," and every experienced agent exerts his utmost to convert them, or prevent their voting; and the general practice is to divide the doubtfuls into lists, and to bring to bear upon them every possible influence which they can employ—men, women and children—to turn them, and in many town contests that particular class turn the election.

1804. In spite of all those means, is it within your knowledge that those persons succeed in keeping their intentions profoundly secret until they are disclosed by the day of election?—I know many that do, and who ultimately vote directly contrary to the calculation of the agents.

1805. Do you think that if they were enabled to vote by ballot they would still keep their secret?—I think all that class would keep their secret.

1806. It has been stated as an objection to the ballot that the voters ought to be responsible to non-voters, and that secresy would destroy their responsibility?—I cannot recognize any responsibility to non-electors; I think the class of politicians who contend for such responsibility ought to advocate the enfranchisement of the non-electoral body; it cannot be said that if a man is not fit to vote himself, he ought to have an influence with the qualified.

1807. Are you aware of the circumstances of the election in France which took place previous to the ordinance in July?—Yes, I know it by correspondence and communication with a Mr. Underwood especially; endeavours were exercised on the part of the Government to defeat the ballot through the prefects and other commune authorities. The mode by ballot was a matter of very great discussion at the time from that very circumstance of the endeavour of the Bourbons to vitiate it, and that the people most zealously considered the secresy of the ballot to be that which enabled them to return the deputies whose liberal votes led to the ordinances.

1808. Are you aware that in France the number of placemen exceeds the number of electors?—Yes; I believe in France the number were not above 80,000, though now increased.

1809. Therefore the influence of the Government on the voters must be considered in that country as almost reaching its maximum?—Yes.

1810. And yet under the ballot they voted against the adherents of the Government?—Yes.

1811. Should you consider it would be difficult to provide a mechanism for giving the votes of persons with perfect secresy?—Not the least.

1812. That machinery could be provided for taking the votes of all persons in a short period perfectly convenient?—I should conceive so; for I repeat that I have never heard an American say that their system was mechanically defective. I am well aware that the votes of a large portion of the constituency are well known from themselves, but the question is the protection of that portion who do not desire that their votes should be known.

1813. You mean to say that the person who has voted speaks of the way in which he has voted by his own mouth, not that they are declared from authority?—No; but some of the Caucus associations in America have by colour endeavoured

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practically to defeat the ballot; that is only with regard to those classes who prefer to avow their votes, and by such avowal to mark those who do not avow.

1814. Do not you think that many persons would willingly declare for whom they voted?—I repeat that all those who could afford to be honest would declare.

1815. Would it not lead to deception on the part of those who could not?—I do not mean to say that some would not be induced to promise fraudulently.

1816. Supposing in a large town where there were 2,000 voters, 1,500 did not care whether their votes were known or not, but 500 being shopkeepers, some of them having connexions of one description of politics and some of another, chose to vote secretly, would it not render those persons objects of persecution at a future time?—No; and even if they were objects of persecution by one side, they would be enabled to vote conscientiously.

1817. Would not parties on both sides, committee-men and so forth, be particularly anxious to avoid persecuting those men for fear of their persecution operating upon their minds to prevent their voting with them on a future occasion?—Yes, to a certain extent.

1818. But as to the generality of persons, the fact is supposed to be unknown, except as they declare it themselves?—Yes.

1819. Do you understand that in New York the mode of voting is so secret it is impossible to give evidence of the fact of their having voted one way or the other?—Unquestionably; I never knew an American in this country informed of our mode of voting, and having the benefit of the experience of the two modes of voting (and I have been in the habit of meeting dozens in Birmingham); I never knew any one single American entertain a question upon the subject. I have discussed this system of ballot with Englishmen in the habit of periodically visiting America, the English merchants, they are all in favour of the ballot.

1820. Whatever the politics of the Americans, whether Federalists or otherwise?—I do not think that is a question that has any thing to do with it at all.

1821. Did you ever know an American who did not consider his own institutions better than those of this country?—Yes, and I think he has good reason; for instance, there is not a single suggestion in Mr. Humphrey's book on real property which had not been carried into effect in that country; they have a right therefore to a little national pride.

1822. Have you ever conversed with any Virginian inhabitants?—I have.

1823. Has their opinion been in favour of that mode of voting?—In Virginia they have a very aristocratic party, and the franchise is still comparatively high; they compounded the ballot question, as I mentioned.

1824. Did the Virginians with whom you conversed, prefer the mode of their own State?—I would say, from what I have seen, that the Virginians are generally men of highly aristocratical principles for Americans, and peculiar politicians.

1825. Are you aware, that in Upper Canada a resolution has been passed for secret voting?—Yes, and I am quite sure that the question of the ballot is considered in this country in a very different light from what it was formerly. Till lately we could not discuss it in the presence of those opposed to it, without a great deal of warm controversy. I am quite certain, after the next registration, and the impending club system of this country now going on, all parties will cry out for ballot, or there will be a very curious state of things in the country.

1826. Have you heard those Americans with whom you have conversed, dwell at all upon the effect of the ballot, in promoting good-will and peace among persons of opposite political sentiments?—I have; they state to me, most unequivocally, that without the ballot they cannot preserve their representative purity or their democratic institutions.

1827. As to the state of feeling in this country on the subject of the ballot, what do you believe it to be among constituencies?—I believe there is a very rapid conversion to the right and expediency of the ballot taking place, and I say that without party feeling. I know that persons, who differ from me very much in politics, deem it a very desirable protection against the popular classes.

1828. Do any other modes of preventing bribery, in the corrupt forms, occur to you?—No; but I think much corruption is perpetuated by the defective nature of the tribunal before which we try election petitions; that if Parliament gave greater facility, and if we had a cheaper process, and a means such as was suggested last year by the late Government, of taking country issues in scrutiny, that would have great effect in keeping down bad practices.

1829. Do

1829. Do you know whether there is an abuse of charities for election purposes in corporation towns?—Very extensive.

1830. Can you give any instances?—Yes; in Hereford the almshouses; and it is notorious in Coventry and Leicester. I cannot state the instances, but it is admitted by all parties that the administration of the charities is political. I know it has been so among my own partisans; I know that admission into a particular charity has been made an inducement to persons to poll in a particular way; I do not mean to say that has been confined to one political party.

1831. Is not that the necessary consequence of having popular elections to those charities?—No, few are popular; I think the charities might be advisably put on a very different footing.

1832. Supposing that the voting was by ballot, would not that influence cease?—I think it would.

1833. If he had a political feeling coinciding with the corporation, he would vote with it; but if not, he would vote according to his conscience?—Yes, and possess the charity too, if he did not disclose which way he voted.

1834. The charity pensioners are generally persons of no political feeling before they are elected to the charity?—No. I do not say that; but they feel it necessary to merge their feelings.

1835. They are not elected for election objects?—Yes, frequently; I consider a great many of them elected to serve the electioneering purposes of particular parties, having previously given their promise to vote.

1836. The party introduced into the almshouse is supposed to be of the political feeling of the party putting him in?—Yes, by profession.

1837. Therefore the ballot would be an inducement to him to violate his profession?—Yes, it would enable him to do it; but I consider that a much less evil than the other case; that is, voting contrary to his political opinion is a greater evil than breaking a dishonest promise.

1838. In the one case he is violating his moral feeling, and in the other his political?—I consider it a moral violation in both cases.

1839. Does not the man who votes for Mr. A. say, by that he considers Mr. A. the most fit person to be returned to Parliament?—I think at least his duty is to vote for the person he thinks most fit, and that there cannot be a greater violation of moral obligation than to vote contrary to his conscience.

1840. A man is elected to a corporation charity, being a liberal man; being there as a liberal man, he votes the next day for the liberal candidate; the ballot would enable him to vote for what you would call the illiberal candidate?—Yes; and I think that would be justifiable, if he thought the illiberal candidate the proper one.

1841. Would it not be better if he had changed his opinion, that he should have an opportunity of expressing that?—Yes; and we all know that very great alterations in national opinions have taken place in the last two or three years, and that further may occur in the next two or three years.

1842. They cannot turn him out of the charity in consequence of his vote?—No; but the man may still be under influence that will prevent his exercising his franchise, only he may not like to do that in open voting which he would under the ballot.

1843. Do you hold it to be a man's duty who has been elected into a corporation, always to vote as the corporation may dictate to him afterwards?—No.

1844. Would not you consider that as great an intrusion upon his liberty of conscience as their dictating to him what verdict he should give if he was a juryman on a trial?—Just as much.

1845. In many of those cases it is the case of voters who receive charity monies?—There are various indirect modes.

1846. Do solicitors exercise any influence at elections?—A great deal, and often a most improper influence; they have a most considerable influence over needy persons, persons who have cognovits and mortgages against them, and so on; and I have known instances where attorneys have avowedly called in mortgages after elections; also the agents and stewards of landed proprietors have great influence; a man may want a particular farm or a lease of particular property, he knows he may accomplish his desire through the agent.

1847. Do not they frequently also make use of the names of the landlords?—I think, as a class, attorneys obtain more fraudulent votes than any other men in the country; they are paid agents; it is a very great and increasing evil and nuisance; I think it would be far better to prohibit the payment of any agent.

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1848. Would it be possible to put an end to that influence if votes were taken by ballot?—I think that would very much diminish influence. I would prohibit all application of money to influencing elections. I would rigidly prohibit all pecuniary agency of any sort or kind, the retaining the hired agents, paid agents, every species of it.

1849. In what way would you prohibit it?—I would prohibit it as far as legislation would accomplish it.

1850. The effect would be to throw it into the hands of local committees?—Yes, and I think very beneficially too.

1851. Would you enact a penalty on the hiring an agent?—Yes.

1852. Do you not think it would be difficult to prevent the evasion of that?—I think it would be difficult to prevent the evasion of it, but it would materially diminish the employment of paid agents. I think a great change is taking place in the country, that many attorneys are acting much more gratuitously than they formerly did. I am quite sure they are on the popular side.

1853. The contests in all the counties have been conducted almost exclusively by unpaid agents?—Yes, on the popular side; in Hampshire it was so, and in Warwick, and in East Worcestershire, to a great degree; there has been much voluntary professional assistance, and many of the professional agents make a bargain that they will take nothing; I never accepted any thing, but 35*l.* from Mr. Littleton, and 110*l.* from Mr. Evans; I know most absurd influence in elections is often exercised by retaining attorneys of opposite opinions to those of the candidate; I know at this time the most decided Tory agents are retained by Colonel Anson in Staffordshire, and I have seen this inconsistency practised by both sides, and of course they carry with them many of their own connexions, accustomed to vote and act together, a certain number, whichever way the attorneys retain themselves. I have seen expresses sent to particular attorneys in particular districts as a matter of most urgent importance, retaining them in order to influence the constituency, and I dare say that the party retained in many instances would get eighty per cent. of their friends.

1854. What do you think of the propriety of examining the paid agents, supposing it to go on before Committees of the House of Commons, whether they ought to be under the protection of their legal retainer?—Most unquestionably not; I conceive some change will be important in that respect, as it will reach them in relation to bribery; I think protection a most absurd rule, it supposes that they have done that which is corrupt.

1855. It has been suggested that the Bill will not operate to compel men to give evidence, but only enable them to do so?—The Bill ought to be compulsory; if a man is indemnified, you have a right to say he shall be in the same situation as any other witness; I believe it is only the doctrine of Committees of the House that protects the agent; he would not be protected in a court of law in many cases where the Committees now protect him.

1856. The protection is not so much to the agent as to his employer?—It is nominally for the employer, but it is a protection to both.

1857. Is not that founded on a great legal principle, that an agent is not allowed in a court of law to state communications he has received on behalf of his client?—Yes, but a court of equity will not protect him in any one single respect.

1858. Would the ends of justice be promoted by the electors seeing that justice was done to them, rather than there being such a protection given to the candidate which might prevent the disclosure of the truth?—Most unquestionably.

Jovis, 21° die Maii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR

Mr. *Owen Owen Roberts,* called in; and Examined.

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1859. WHAT are you?—I am a surgeon.

1860. You have been actively engaged in several elections?—I have.

1861. In what places?—In the county of Denbigh and the Carnarvonshire boroughs.

1862. Can you give the Committee any account of any practices of bribery or of treating

treating which have existed within your own knowledge at either of those elections?—Of corruption I can; but not of direct bribery.

1863. What do you mean by practices of corruption?—Holding out considerations to induce persons to vote contrary to what were their principles and their promises.

1864. Considerations of what kind?—Pecuniary considerations; there was a great number of instances at the last Carnarvon borough election of publicans having dinners ordered in their houses (on account of the county election) to induce them to give their votes contrary to the promises they had made.

1865. Was that practice of ordering dinners at the last election or the previous election?—The last election particularly.

1866. You confine yourself to the last election?—Yes.

1867. Did the ordering of dinners go to any extent?—To a very considerable extent.

1868. Were those dinners given to electors or to non-electors?—They were ordered for a certain number of persons, whether electors or not, I cannot say.

1869. Is it within your knowledge that they were ordered?—It is.

1870. Is it also within your knowledge that some of the publicans of whom these dinners were ordered were determined in their vote by these orders?—It is; it is within my own knowledge that they violated their promises to vote for one candidate by voting for the other.

1871. Had they always kept their promises till these dinners were given?—There were some who had dinners who had not absolutely promised their votes.

1872. Do you conceive that the publicans at whose houses these dinners were given had much influence beyond their own votes?—Some of them had, no doubt.

1873. Are there any other modes of corruption to which you can advert as having taken place at the Carnarvon borough elections?—Certainly; a great number of tenants were obliged to vote for a particular candidate, and assigned as a reason that they were compelled so to do by their landlords. There were public works advertised as going forward as an inducement to get persons to vote for a certain interest.

1874. What were those works?—The harbour trust concern, the new pier; it was stated that these were going on, and the regular surveyor of the trust was ordered to be discontinued, or rather suspended, and the works to be let by the chairman of one of the candidates, and for that purpose that candidate promised to advance 500*l.*

1875. For what purpose?—For the purpose of completing the new pier.

1876. Was any work let by the chairman of that committee?—There were some works let, not by contract to that extent, for the moment the election was over the gentleman who promised to advance the money would not come forward. There were ten or twelve masons who had votes who expected to contract for the work.

1877. Was it by public advertisement that the public were made acquainted with the fact, that the regular surveyor would not let the works, but that the chairman of the candidate's committee or his friends would let the works?—It was by public advertisement, immediately the meeting broke up, which was quite an unusual thing with respect to the harbour ever since I have been a trustee.

1878. For whom were these dinners provided to which you have alluded?—I cannot tell; they were ordered for twenty or thirty in a house.

1879. Were they for the electors of the borough?—They were the dinners previously to the county election, and as an inducement to vote in a certain way for the borough; those persons who voted for a certain candidate at the borough election were to have a dinner at the county election.

1880. Was there any contest for the county?—No.

1881. Was it after the county election?—No, before.

1882. What right have you to suppose it was not to influence the county election, and not the borough election?—The publicans told me they were obliged to do it.

1883. Is there any thing unusual in giving dinners at a county election?—County election dinners used to be given in a large room, but these were given at several houses in the town.

1884. Was that the only difference between the course pursued at the last election and at the former elections, that the dinners were given at different houses instead of in one room?—They were given as an inducement, because men who violated their promises said that was the inducement offered them to do it.

1885. What authority have you for saying that was the inducement, by altering the course of giving dinners at private houses instead of giving public dinners in the

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the usual manner?—Because the men who violated their promises stated that wa the reason they did it.

1886. Who did it?—They said that if they gave their votes for a certain candidate, they were to have the benefit of a dinner at the county election.

1887. Who stated that to them?—The party concerned; the chairman of the borough committee was the agent of the county Members.

1888. Was he one of the persons who informed the publicans that that was the reason why dinners were ordered at their houses?—No, I cannot state that.

1889. Then it is only information you have from the publicans themselves?—It is only information I have from the publicans themselves, but I know it is a fact that parties who had promised their votes for one side voted on the other and had the dinner.

1890. Did they tell you that they had received assurances from any persons that if they so voted they should have the dinner?—They did from certain persons.

1891. From whom did they tell you they received the assurances?—From the committee on the other side.

1892. Did they tell you they received the assurances from the committee of one of the candidates?—Yes.

1893. Are you sure of that fact?—I am certain of it.

1894. Did they all tell you the same story?—In substance they stated that was the reason for acting as they did.

1895. How many publicans were there giving dinners?—I cannot say exactly.

1896. Were there 10?—I think more.

1897. Were there 20?—I cannot undertake to say.

1898. Can you not sum them up in your mind; take a few minutes to consider it?—I am certain there were more than 10 persons who had dinners in their houses, and some of them I know assigned that as the reason.

1899. How many?—Three or four told me themselves.

1900. How long was the county election after the borough election?—The borough election was over on the Saturday, except the declaration of the poll, and Tuesday was the county election.

1901. When were the dinners given?—On the county election day.

1902. Was there any contest for the county?—No.

1903. Did the dinners take place on the same day?—Yes, I suppose it was.

1904. What was the nature of the advertisement you say you saw respecting the new works to be performed at the pier?—It was a hand-bill put up immediately after the meeting broke up.

1905. What meeting?—Of the trustees of the harbour.

1906. Were you present at that meeting?—I was not; I have examined the books since.

1907. What was the business transacted?—It was ordered that Robert Roberts, the surveyor, do not pay any sum of money, and that the works be let by the chairman of one of the candidate's committee, and two of the committee-men.

1908. Did those gentlemen usually take part in the proceedings as to the harbour?—They did, but the order was made in violation of the standing order in the books.

1909. Were those works to be let by contract?—They were ordered to be let by contract.

1910. Did that advertisement hold out that those works should be let by contract to the masons?—They were to be let by contract.

1911. By tender?—I really forget whether it was by tender or not.

1912. Can you get a copy of that?—I can.

1913. You say there were about 12 persons who took the contracts?—There were about 12 masons who were in the habit of taking contracts.

1914. Do you recollect whether the advertisement stated that the lowest tender would be accepted?—In my memory it did not, and it excited a great deal of reprehension through the town.

1915. Was it understood that those persons having the power of letting the works would have the power of selecting any of the parties who tendered?—That was understood; that was the view taken by every body.

1916. And they were not to be bound under the terms of the advertisement to accept the lowest tender?—No, it was entirely optional in them whom to accept or whom to let it to.

1917. Did

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1917. Did you attend the subsequent meeting of those trustees?—I went there to examine the books.

1918. Did you, after this proceeding, attend any meeting of the trustees?—I did not.

1919. Were there meetings held shortly after that?—There was a monthly meeting held.

1920. You did not attend it?—I did not; I was obliged to go from town, and I got my brother and Mr. Pool, the clerk of the peace, to attend.

1921. Is your brother a trustee?—Yes.

1922. Did they bring before the body of the trustees this proceeding as being incorrect and improper?—They did.

1923. What was the course of proceeding taken by the trustees with respect to that?—I am not aware any course of proceeding was taken by the trustees.

1924. What did your brother do?—The subject was noticed before the meeting.

1925. In what manner?—By observing upon the impropriety of prostituting public trusts to such purposes.

1926. There is no proof of such prostitution, unless it is proved that the work was contracted for in favour of any individual?—There was a general rumour about the town, and the general belief was sanctioned by the circumstances of the regular officer being suspended, and the works let by the chairman and other members of the election committee, and when the money to be advanced by the candidate was not afterwards forthcoming.

1927. Were any voters employed?—No, because the money was not forthcoming.

1928. Did the advertisement say that the candidate had promised the money?—That was put into the paper that he was to advance 500 *l.*

1929. Was it in an advertisement in the newspaper?—There was a paragraph about the liberality of the candidate, and the hand-bill was posted up immediately after the meeting, therefore the hand-bill was printed before the meeting was held.

1930. Your brother was the returning officer?—Yes.

1931. Do you conceive there is or not an impropriety in taking the letting of the public works out of the hands of the regular professional surveyor appointed for that purpose, and placing it in the hands of the chairman of an election committee just previous to the election?—It was most highly improper.

1932. Was that the fact?—It was the fact.

1933. Was the surveyor dismissed?—Suspended.

1934. What was his name?—Robert Roberts.

1935. Was he suspended from his functions of surveyor, or only suspended as regarded the letting this particular work?—Letting works generally, and paying any money.

1936. Was he still continued in his office of surveyor?—Yes.

1937. How long before the election?—The Tuesday before the election, I believe.

1938. Are the trustees of the harbour in the habit of leaving it entirely to their surveyor to enter into what contracts he pleases for performing these works?—The plan was this; there was always an estimate of what was to be done, and then an advertisement that they are to be let by sealed tenders, to be publicly opened.

1939. Who determines the sealed tender?—It is determined publicly in the room.

1940. Then the surveyor had not the letting of them?—No.

1941. Then how was he displaced on that occasion?—He was not to let any works.

1942. It does not appear under the old system that he did let the works, but that they were let by sealed tenders?—The common work of the trust was let by him, but large works were let by sealed tenders, and he used to pay weekly.

1943. How do you prove what you have stated, that he was displaced upon that occasion?—By the advertisement that appeared.

1944. Did you attend the meeting when he was suspended?—I did not.

1945. Then how do you know he was displaced?—I saw the order in the books.

1946. What was the ground stated in the books?—There was no ground whatever stated.

1947. What do the books say about his being suspended?—That no works are to be let, and that he was to pay no money on account of the harbour, and that was also

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also signed by the chairman of the meeting, who was Captain Boileau, an active member of the committee.

1948. Do you know the grounds?—I never heard any grounds.

1949. Then, for any thing you know, they might have had good reason for removing him?—Certainly not.

1950. You did not attend the meeting at which he was removed?—No, he was suspended.

1951. Do you know whether, when your brother observed upon the transaction, that any statement was made that the power of letting the works was taken from the surveyor owing to any misuse that he made of it?—No, there was never any imputation of the kind cast upon him.

1952. How are the funds provided for the pier?—By dues collected from vessels coming into the port or passing through the straits.

1953. Was there any money subscribed for the harbour?—No, there was money borrowed.

1954. How do you know that the candidate promised to lend 500*l.*?—I saw Mr. Pool writing a letter to him to advance the money according to his promise, and I saw his answer.

1955. Who was the candidate?—Major Nanney.

1956. Can you tell us the substance of those two letters?—The application was first to him to advance the money which he had promised.

1957. Are you sure of the expression, that it referred to some advance that he had previously promised?—Yes, the letter referred to the 500*l.* he promised.

1958. You say you saw Mr. Pool writing it?—I saw the letter.

1959. Were you a party in the transaction?—No.

1960. Did you take any part in the two elections which have lately taken place for the county of Denbigh?—I took a very active part in the first; but I was not well at the last election, though I was there part of the time.

1961. Were you cognizant of the proceedings at the last election also?—I was.

1962. Was there any treating at either of the county elections for Denbigh?—Not to a great extent; when freeholders came from a distance they had some refreshment.

1963. Was the refreshment they received more than the refreshment necessary?—I do not think it was; many of the gentlemen gave to the parties they brought themselves the necessary refreshment.

1964. Was there any treating during the canvass?—I believe not.

1965. On either occasion?—I believe not.

1966. Are you cognizant of any attempts that were made at either of the elections to induce persons to vote contrary to their inclinations?—Yes.

1967. Among what class of persons did those inducements operate principally?—Farmers and tenants at will.

1968. At the election of 1832, were any threats held out to the tenants to your knowledge?—There were.

1969. What was the nature of the threats?—To turn them out of their farms unless they voted for a certain candidate.

1970. In what manner did that come to your knowledge?—I saw a letter to one tenant, and had the tenant's own declaration also.

1971. What was the nature of the letter?—Stating that unless he voted in such a way, he should not hold the fields, which were accommodation land near Llanroost.

1972. From whom was the letter?—From the landlord to his tenant.

1973. Was that a single instance, or do you know of more?—I know of a great number more, but not so distinct.

1974. In what shape were they?—There was one man who possessed extensive property in the county of Denbigh, who lost a farm that he held upon which he had laid out a great deal of money; he lost his farm and was turned out of it in consequence of refusing to vote as his landlord wished.

1975. Was he turned out in consequence of having refused to vote in accordance with the request of his landlord?—Yes, he stated that himself to me.

1976. Was that at the last election?—No, the last but one.

1977. How did that person vote after he had been turned out of his farm at the last election?—He voted for the candidate whom he wished to have supported the time before.

1978. Do you know of any other instance?—There are the instances of the

Llangerniew property; they were every one of them attempted to be induced to vote for a certain candidate at a former election, but they refused to do so; there are about thirty of them, I think, fearing the threats would be carried into effect, after the example of Mr. Edwards, of Henllys, the gentleman who was turned out, they became alarmed, and every one of those tenants voted for the candidate adverse to the one they voted for before.

1979. Is that on the property of the same gentleman as Mr. Edwards held his farm?—No, another estate.

1980. Are you acquainted with any of the farmers upon the estate you mention?—I am.

1981. Do you frequently attend them professionally?—No, they were too far off; but I know them well.

1982. Are you acquainted with their political sentiments?—I am.

1983. Did they tell you it was in consequence of the apprehensions they had, by reason of Mr. Edwards having been turned out, that they were induced to vote at the last election contrary to their inclinations?—Several of them did; it was a question that excited great interest throughout the whole county.

1984. Are you, in the course of your professional practice, acquainted with the opinions and feelings of many of the farmers in the county?—Yes, as well as any person can be.

1985. Do you know many instances of men whose political opinions you are acquainted with in that class, voting contrary to their political opinions?—I do.

1986. Have you ever conversed with those men upon the subject?—I have.

1987. Have they given any reason for departing from their political opinions?—Yes; that they were afraid either of their landlords or some other persons.

1988. What class of men do you mean by "other persons?"—Attornies.

1989. The agents?—Yes, the agents.

1990. The agents for the landlords?—Yes.

1991. Is there any source of power which you have heard alluded to, as possessed by the attornies, which you conceive the attornies to exercise over the tenants?—Of course, when they have deeds in their possession, or owe them money.

1992. Have you ever known instances of persons alleging the power which particular attornies have over them as a reason for their votes?—I do know them well.

1993. Do they not generally owe them money?—They generally do; there is one attorney who is agent for almost all the great political families in the country of certain politics, and he was the agent to the gentleman who turned Mr. Edwards out, and the effect of that example was tremendous throughout the whole country.

1994. You are a medical man?—I am.

1995. Have not medical men a good deal of influence among their patients?—I do not know; I never fancied I had any.

1996. Are not your patients, a great many of them, of the poorer classes, considerably in debt to you?—No, I seldom have book debts, I generally get payment at once.

1997. When the men on ———— property gave reasons for not voting, did you ask them the reason; were you not discussing with them upon the subject why they had not voted?—I do not know how the conversation commenced, but it was a notorious thing, known to every body.

1998. Were any of the persons directly or indirectly under your influence?—Not the slightest.

1999. None owed you money?—None, of the Llangerniw tenants.

2000. Are you not in the habit of talking politics with your acquaintance?—Very often.

2001. You say that there were many persons who voted differently to what they did at the former election?—Yes.

2002. Can you name any one individual?—William Jones, of Crarlook.

2003. Did he vote on the other side at the last election?—Yes, and all the tenants on the estate.

2004. Did he tell you he changed on that account?—He said he was obliged to do so.

2005. Did he tell you that himself?—Yes.

2006. What did he tell you?—He said he hoped he should soon see the ballot,

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in order to protect him and others in what he did, from being compelled so to act.

2007. Was that the substance of it?—Yes.

2008. You said all the tenants on one estate voted differently at the last election to the way they voted before?—Yes.

2009. What did you say was the reason for their doing so?—That they were afraid of being turned out of their farms in the way Mr. Edwards was.

2010. Did they vote contrary to the wishes of their landlord at the previous election?—They did.

2011. Were they turned out on that occasion?—No; Mr. Edwards had been turned out, and it was a specimen of what would be done, and they were afraid of being turned out in the same way.

2012. By whom?—By the landlord.

2013. Then you think all landlords are alike?—No, I do not.

2014. Are you prepared to say that those tenants on that particular estate were directly threatened by their landlords to be turned out if they did not vote at the next election?—I have no doubt in my own mind that that was the case.

2015. And the reason of their not being turned out was, having voted according to their inclinations at the former election?—No, that was not the reason.

2016. Had any change taken place between the two elections?—There had.

2017. Were the landlords of different politics?—I believe they were the same politics, but there was some dispute between the landed proprietors at the time of the former election.

2018. Was the same gentleman agent to both those landlords?—I think not.

2019. Have you not known, in your political experience, persons changing their political sentiments without the force of intimidation and bribery being practised on them?—I know many instances of that being the case, but these are instances in which they professed the same principles and voted contrary to them.

2020. Do I understand your answer to be, that these people thought they were voting for the same principles as they did on the former occasion?—No, quite the contrary; they were persons of good education, and not so ignorant as that.

2021. Did they know they were giving a different vote to what they gave before?—Yes.

2022. Have you not known instances of persons changing their political opinions without the influence of intimidation or bribery being used?—I have not the least doubt there are many cases.

2023. Do you not know to a perfect certainty, that some of those persons changed their mode of voting in consequence of being under apprehension if they did not do so, of having their sins visited upon their heads by their landlords?—Most certainly.

2024. Had you any conversation with those persons by which you were led to believe by them, that though they had changed their votes they had not changed their opinions?—Certainly.

2025. You say there was a new landlord?—Yes.

2026. Had he made any application to them to vote?—Undoubtedly, the orders they received were from the landlord.

2027. And not from the agent?—I do not know whether direct from the landlord or the agent. I presume the agent does nothing in these matters but what the landlord authorizes.

2028. You do not know positively whether they received orders or not?—I have only their declaration for it.

2029. Did they tell you they received orders to vote for a particular candidate?—They did, some of them.

2030. Did Jones tell you so?—He did not; but he said he was compelled to do it.

2031. Were you a pretty active electioneering agent upon that occasion?—I took a pretty active part in it.

2032. And canvassed a great many persons?—Yes, a great many.

2033. And did you not canvass these persons among others?—I did not; I was engaged in the Carnarvon election.

2034. When did these gentlemen give you this information?—After the time of the election.

2035. Were you present at the poll in the county of Denbigh?—I did not attend the booth.

2036. Were

2036. Were you not present at the poll?—I was present at one of the polling places.

2037. And there you saw the tenants poll?—Yes, I saw some of them.

2038. Was it there that Jones gave you that information?—No, it was afterwards, upon one market day, when we were talking about these matters.

2039. Do you remember how the conversation originated?—No, it was a matter of talk how persons were compelled to vote at the elections.

2040. Did you begin talking to him about his vote?—No, I did not. I have known the man since I recollect any thing, and he was not a man who would have done it if he had not been compelled to do it.

2041. You have no recollection how the conversation originated at all?—I have not.

2042. Did he come up to you and say "I have been compelled to vote so and so?"—No; generally when I have gone over there, I have seen many of my old friends and acquaintances.

2043. On whose behalf were you zealous?—Mr. Biddulph's.

2044. Have you always been zealous in his cause?—Yes.

2045. Have you never had occasion to change your opinions?—Yes, upon one question.

2046. Were you never zealous on behalf of Mr. Ormsby Gore?—Yes, I was; but Mr. Ormsby Gore changed his politics, and was turned out of Carnarvon for it.

2047. You considered he had changed his politics?—Yes, I saw a corrected speech of his in a paper which led me to think so.

2048. Were your colours the same?—I am not aware of that.

2049. You mentioned the instance of Jones who occupied accommodation land that was near Llanroost?—Yes.

2050. Was Jones a man of property?—No, Edwards was the man of property.

2051. I am speaking of the man who was turned out of the accommodation lands?—He was threatened to be turned out.

2052. Can you give some other instances of persons being turned out in a similar way?—I was at the Carnarvon election, and I could only get there on the polling day.

2053. You say one instance was quite enough to intimidate the whole county of Denbigh?—Yes, and I think it very likely to do so when there was a gentleman of 400*l.* or 500*l.* a year turned out of his farm.

2054. You said you did not know whether that gentleman was agent for the new landlord of Llanroost?—No, I am not talking of the same person.

2055. Mr. Edwards was the tenant of a gentleman who had a particular agent, and you say his being turned out of his farm terrified the whole county of Denbigh, because the gentleman's agent for that property was agent for other property?—I said the same gentleman was the general law agent of most of the great landed proprietors of that part of the country, of a certain political party.

2056. Then he was not the law agent of the gentleman who owned the Llanroost property?—No.

2057. Did Mr. Edwards tell you himself that he was turned out for voting?—He did, for not voting.

2058. Had he it in black and white that that was the reason assigned?—I do not know that. Mr. Edwards was a respectable man, and he would not have stated a thing of the kind if it were not so, and every body believes it to have been so.

2059. At all events it was not an act of gross oppression, as the man was a man of property?—I think the injustice is the same, and it is not less an injustice because a man can afford it.

2060. This gentleman's being turned out of his farm was a loss to him?—Yes, a great loss.

2061. And his being able to bear that loss was merely his good fortune?—Yes.

2062. Was his landlord a good landlord?—Yes, in every respect except politics.

2063. Was he a good landlord, or not?—I believe he was, I always heard him well spoken of.

2064. Had Edwards laid out any money on the farm from which he was turned out?—A great deal; he was obliged to build a new house for himself upon his own land.

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2065. He was a freeholder, and had some land of his own in the county?—Yes of the value of 400 *l.* or 500 *l.* a year.

2066. Was the turning out of so good a tenant by the landlord, considered a sufficient answer to the allegation so frequently made that a landlord never turns a good tenant out?—Certainly.

2067. Did he choose Edwards as a person to turn out, in order that he might have a man able to bear it?—I do not think he did; but it was perhaps by way of making an example to others of what they were to expect if they acted in the same way when they saw a rich man so treated.

2068. Did the landlords in the whole county of Denbigh meet together for the purpose of choosing a person to make a fit example of?—I cannot say that, but landlords meet sometimes for very curious purposes. I can mention other instances which took place after the last Carnarvon borough election but two.

2069. Who were the candidates?—Sir Charles Paget and Mr. Ormsby Gore. There were three persons at that time that voted, and their landlords were not aware that they were burgesses, but they voted for Sir Charles Paget, and they had notice to quit their farms, though they were not subsequently turned out.

2070. Do you know how the men voted at the next election?—They were disfranchised at the next election. A strong remonstrance was made to the gentleman upon the injustice of his treating his tenants so, when he never let them know what his political opinions were himself, or his bias.

2071. Who made the remonstrance?—I did, by letter.

2072. To whom did you write?—To the landlord.

2073. What answer did you receive from the landlord?—I never received any answer from the landlord, but the tenants informed me they were allowed to stop on their farms.

2074. Did you see the notice to quit from the landlord?—I did not.

2075. What induced you to write the letter of remonstrance?—From the application of the men to me.

2076. Did you consider that was a case of intimidation?—It was decidedly so; it was a threat, though it seemed to have a retrospective effect.

2077. Did the landlord interfere with them before the election?—No, he did not know they were voters.

2078. Is there any means which you can suggest to the Committee for putting a stop to the practices of which you state your friends complain?—I think the only effectual mode to prevent the intimidation would be the ballot.

2079. Was that always your opinion?—No, it was not; I was opposed to it till I saw what took place at the last election.

2080. Do you think there are many persons of the class you allude to, who entertain the same opinion that you now entertain upon the subject?—It has become very general through the country since the last two elections.

2081. Do farmers talk about it?—Yes, farmers as well as voters for boroughs; it is generally called for throughout the part of the Principality with which I am intimate; independent of that, I think it would be requisite for the prevention of the practices of corruption as well as intimidation, that some means should be taken that every candidate should make a statement or take an oath that he would not make any use of any means of intimidation or corruption, or pay any more than the legal expenses of the election, and that the amount should be filed in the same way as his qualification before the Member took his seat, and that he would not directly or indirectly pay any more than is contained in the account filed.

2082. Are you conversant with the machinery of the polling at county elections?—I am.

2083. Do you think polling in one day would have a tendency to prevent bribery and corrupt practices both in boroughs and counties?—Yes, in boroughs, for generally these things take place the last day, for the persons who are intimidated or bribed generally wait till the last day to put it off as long as they can, or to get as much as they can.

2084. Are you of opinion that confining the polling to one day would have a tendency to a certain extent to prevent persons being influenced by bribery and corrupt motives?—I think very materially in towns.

2085. Would there be any difficulty in taking the votes in a county in a single day?—Not the least, by having a greater number of polling places; but I think nothing would do without the ballot.

2086. How many county voters abstained from registering themselves in consequence

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sequence of their determination not to vote at all rather than to subject themselves to intimidation?—I am not aware of any case of that kind.

2087. Do you think the ballot would be any protection against the violence of mobs?—We have very little of that.

2088. Supposing it would protect a man against his landlord, how would it be any protection against a mob?—Most undoubtedly it would.

2089. How would it protect him?—Because he would not be such an object of attack, for they would not know how he voted.

2090. Are they not generally brought up to poll in different carriages belonging to the friends of the different candidates?—I think by the ballot that would be prevented.

2091. How do you think that could be done? Supposing a voter who lives at a distance is brought up in a carriage to vote for a particular candidate, how will the ballot protect him against the mob?—He will be placing himself in danger by coming so, if there is any danger to be apprehended.

2092. Do you think it likely that the candidate would go to the expense and trouble of bringing him up to vote if he could not possibly know in what way the voter had voted?—I do not think he would, all the inducement would be done away with.

2093. Do you think you could conceal how you voted? Suppose the mob at Carnarvon to be adverse to your party, do you think it would make any difference to you whether you voted by ballot or not?—I do not apprehend any danger from my voting.

2094. I am supposing that circumstances should be so, that the mob was adverse to your side, would they not know your vote and treat you just the same, whether you voted by ballot or not?—I think it would be quite different.

2095. In canvassing boroughs and counties, have you not observed that a great many persons have kept their intentions secret till the last moment?—A great number.

2096. With what intention do they keep their votes secret till the last moment?—In some cases to avoid intimidation; when they have been canvassed they often state we are anxious to vote, but we are afraid.

2097. If there are persons who do conceal their votes for some time up to the period when the poll commences, do you not imagine that from the same motive those persons will take equal pains to conceal their votes after the polling takes place?—Most undoubtedly they would, if the ballot took place.

2098. Is not the object of assembling a mob very often to intimidate the electors, and oblige them to vote in a particular way?—No doubt of it.

2099. Could such a mob be expected to intimidate electors so as to observe them to vote in a particular way, if the manner the electors voted in consequence of the ballot was secret?—Certainly not.

2100. They could only in that case state they voted in a particular way, because the secret ballot supposes that it is impossible for a man to give any positive proof of the manner in which he has voted?—Yes.

2101. Then it only depends on his own declaration, and he might possibly be telling a lie?—Certainly.

2102. Do you think there is any danger of his voting one way and giving you to understand that he voted another?—I do not know that.

2103. If a man was in peril of his life for voting, if it was known that he voted in a particular way, do you not think it probable he might say he voted in a different way?—I think in that case he might; it would be a protection for his life.

2104. Can you, in any election but the last, give any instances of intimidation of voters at the Carnarvon boroughs in consequence of threats that have been actually held out to them, or apprehensions of the manner in which their votes would be visited on their heads?—Yes, there was an instance at the last election but one, at Carnarvon, in which a certain majority of 90 or 100 was reduced to 29 or 30 by such means.

2105. How was it that they were so reduced?—Many of the individuals declared that they were obliged to vote in that way by their landlords and their landlords' agents.

2106. How many?—I think I could mention the names of thirty or forty within my own knowledge.

2107. Did they tell you that they had altered their votes in consequence of being compelled by their landlords?—Yes, many did; when I asked them how they could act

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act contrary to their principles and in violation of their promises, they stated that they were sorry for it, but that they were compelled to do it.

2108. In what condition of life are the voters you speak of?—Generally tradesmen, shop-keepers, captains of vessels and sailors, who are persons most subject to intimidation, because the slate trade is very extensive there.

2109. And the owners of vessels?—Yes, many of them.

2110. About how many of them?—About forty or fifty or more.

2111. What was the nature of the threats held out to them?—The withdrawing of freights.

2112. Freights of slates?—Yes; the same person is agent for all the great landed proprietors; the gentleman who turned out Mr. Edwards is also agent for all the slate quarries.

2113. Would it not be impossible to make any law to prevent the owners of vessels and the owners of slate quarries from withdrawing custom from these classes of people without interfering with the freedom of trade?—It would; the ballot is the only cure for it.

2114. Were any persons who had the opportunity of giving freight to these parties on the other side of the question at the election?—No, all the great quarries are possessed by people on one side of the question, and the same attorney is law agent for them all.

2115. Do all your observations apply to one side of the question?—Yes, entirely. I can give an instance of a person at the last Denbigh election but one who had promised to vote for one candidate, and his principles were well known, and he was persuaded by the person under whom he held some land to give a vote on the other side; he holds a farm under Mr. Lloyd Mostyn, and when I found this man was going to vote contrary to the principles he had always professed, and found the reason was that the person under whom he held had compelled him to do it, I spoke to Mr. Mostyn, and asked him if he would speak to him, and get him to his interest; he said that would be interfering with the freedom of election, and it would be shameful for any body to do it.

2116. Would you equally condemn these practices on whatever side you imagined they had been practised?—Most undoubtedly I would.

2117. I put this question to you to see what reliance we should put upon your opinion; I ask you once more, whether you have not heard of intimidation of this description on your side of the question as well as the other?—I assure you I have not in the places I am speaking of.

2118. Do you know of any instances in which any threats, if given on your side, have been carried into effect?—No, I never heard of any being given.

2119. Is there any other point connected with the elections of Denbigh or the Carnarvon boroughs which you are desirous of stating, except the last?—Not unless what relates to the last election.

Lunæ, 25° die Maii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *James Hudson*, called in; and Examined.

Mr. *James Hudson.*

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2120. WHAT are you, and where do you reside?—A manufacturer, living at Leicester.

2121. Have you taken an active part at the last elections for Leicester?—Yes, till the last; I was so completely disgusted with the proceedings in 1832 that I was determined to have nothing more to do with them.

2122. Will the evidence you have to give refer to elections previous?—Generally up to the last time.

2123. From what period do you begin?—I have been generally acquainted with them from my youth; I was very active in the celebrated election of Manners and Babington; I think that must be about 35 years ago; but we knew very little about the corrupt working of an election till 1826. Mr. Babington and Mr. Smith previously represented the town; Mr. Smith for about 25 years, and Mr. Babington about 20, and Mr. Mansfield and Mr. Pares a short time. In 1826 the system commenced working in good earnest.

2124. Has

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2124. Has that system continued ever since?—It has.

2125. Will you describe the manner in which that system works, in the first place with regard to bribery?—Simply in this way, that those who have the best purse are sure to be returned; politics are comparatively immaterial.

2126. In what shape was the bribe administered?—In a variety of ways; the general rule is to give a district ticket at the commencement; the town is divided into districts.

2127. Are those districts each under the superintendence of a committee?—Yes, or rather of an agent; two agents are appointed, connected with the general committee, to superintend particular districts.

2128. Are those district tickets given by those agents?—They are given by the agents of the committee from some of the workers of the committee. I find a vote in districts No. 8 or 2, or whatever it may be, I take it to the committee, and I get a ticket from one of the leaders of that committee that the man belongs to district 2 or 8; the working of that ticket at the last election was this, that a district ticket for the —— party gave that man free access to all the public-houses for eating and drinking the whole of the time, and I think we never had so much eating and drinking and drunkenness as we had at the last election.

2129. That district ticket gives free access to all the public-houses for eating and drinking the whole of the time?—Yes, the man shows his ticket, and he eats and drinks what he likes, and is never asked to pay for any thing.

2130. Does that free access to the public-houses upon showing the ticket continue after the teste of the writ?—That ticket is given on the commencement of the canvass, or as shortly after as the voter is found, who applies for it, and it continues till the election is over, except that at the last election, the election of 1835, that ticket, after having been available for the whole of the canvass and the polling, was available on the Saturday night after the election was over, in this way, that they went to one of the agents of the committee and received 1 *l.* in part of payment of money due to them till they could have a settlement of the account for their services; those district tickets, I should explain, are all supposed to carry with them the value of a constable's ticket for 3 *s.* 6 *d.* or 5 *s.* or 7 *s.* a day while the election lasts.

2131. Are you aware whether there is any petition in agitation now?—Certainly not.

2132. Is there any suggestion of a petition under Lord John Russell's resolution?—I am not aware of any thing of the kind; I was one of the petitioners in the election petition; I am not aware of the existence of any other.

[*The Witness was directed to withdraw.*]

[*The Witness was again called in.*]

2133. Are you aware of any intention to found a petition to Parliament upon this?—No.

2134. You were not aware perhaps that it was possible to present another petition after the loss of the election petition?—I understood distinctly that it was not; that was our impression that we could not present any other petition, and I do not believe there is any other petition getting up.

2135. Referring to the district tickets which are distributed before the election, they bear the value, you say, of from 3 *s.* 6 *d.* to 5 *s.* a day?—That is the understanding given by the runners or agents, they have no specific value put upon them.

2136. What do they bear upon them, what is written upon them?—It is a mere ticket or card, with the districts and the initials of one of the clerks.

2137. No name of the candidate?—No.

2138. Have they any seal upon them, or any distinguishing mark besides the initial of the clerk?—No.

2139. Are there any instances within your knowledge of their being sold for actual money?—No, they are only available by being presented by the person to whom they have been delivered; the name is called over and the ticket referred to.

2140. Is the name of the party written upon the ticket?—Yes, it is.

2141. The name of the party is called over, and the money is paid?—Yes; when he presents his ticket on the Saturday evening after the election, his name is called over, and the district referred to; one gentleman says it is all right; a sovereign is thrown down, and they say you may take that till we have power to settle with you.

2142. When is the final settlement?—I cannot tell that. In the election of

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1835, all who voted for one of the parties received a second ticket at the inn where the committee sat; the voter, as soon as he had polled, went with the agent or runner to the committee-room, there he received a ticket with a stamp; that ticket which he received in the committee-room he was instructed to take to the head quarters of the party; he was admitted by that ticket singly into a room, and was paid by a stranger 10*s.*; they received 30*s.* besides their keep during the election.

[*The Witness was directed to withdraw.*]

[*The Witness was again called in.*]

2143. At any former elections with which you have been conversant, have you ever seen a similar practice resorted to as that you have described with reference to the polling tickets with the seal upon them?—Tickets had been given regularly by both parties at the last three elections, to my certain knowledge.

2144. At the polling?—During the canvass.

2145. You have spoken of two tickets, first the ticket which bears a value of from 3*s.* 6*d.* to 5*s.* a day, that is given at the canvass?—Yes.

2146. You say there is a second ticket given at the polling, is the giving of that new ticket at the polling a new practice, or was that an old practice which has existed at former elections?—An old practice.

2147. Will you confine your description of it to what you have known take place at former elections, at the election of 1832 for instance?—The arrangements of 1832 were made in the same way by the agents of the different parties, they took a ticket, and that was understood between the parties to bear a certain value which the different committees paid afterwards.

2148. Did they give also a ticket at the polling?—Not generally.

2149. Were there instances in which those were given?—Yes, certainly.

2150. How were those tickets afterwards paid?—By the committees.

2151. They paid both classes of tickets equally?—Yes.

2152. Were they paid by a stranger at former elections?—Certainly not; the case of the 10*s.* ticket I referred to in the election of 1835, was a remarkable case.

2153. What means have you of knowing that such payment was made, did any body tell you who had received money in that way?—Oh yes, I have been upon the committees myself at former elections.

2154. And have yourself paid those tickets?—I have known that payments were made from my own workmen, I know the last election, the election of 1832; probably I could speak to that more particularly by stating that I was on Mr. Evans's committee: Mr. Evans protested against purchasing votes, and his committee met for the purpose of waiting upon him; I was one of that deputation to tell him he would lose his election without, and he said, "Very well, then, I will lose it. I am obliged to you, gentlemen, for your services as a committee, but if I am not to have them without making an improper use of my money, I must decline their services; I will not consent to a single shilling being spent for the purchase of a vote, but the ordinary expenses of out-voters must be paid." At that election the voters were paid by Mr. Ellis and his committee.

2155. You know that they were paid?—I do.

2156. You spoke of out-voters, are those persons freemen dwelling within seven miles?—Yes.

2157. Have you many of those persons?—We have about 3,331 voters; some of those are entered twice; for myself, I am entered as a freeman and as a ten pounder; we have about 3,040 voters; 2,812 polled at the last election, of which 2,413 were residents and 399 non-resident.

2158. Are those persons paid any expenses for coming into the town?—Yes.

2159. Are they paid reasonable expenses, or are they paid more than their coach hire or reasonable expenses for coming into the town?—They make the best bargain they can at every village where there are freemen; there are generally five, 10 or 15 in a place; or they are stocking-makers living in villages; as soon as the canvass commences, two houses are generally opened in those villages, one by each party, and the voters are collected as soon as possible into those houses, where they are generally locked up either by one party or the other during the canvass till the polling, and then they are corned pretty well; they are put into pretty good condition, have a good meal given them, an extra meal for the last, and carriages are sent from Leicester to bring them over to the hustings.

2160. Do

2160. Do they receive any money to convey them?—The committee send carriages from Leicester.

2161. They receive only meat and drink?—There is generally an agent from each party in the village, who takes up his head quarters at the houses and communicates with the committee.

2162. They are in fact treated?—Yes, and the greater part of them brought as drunk as they can be to the poll.

2163. Do those persons also receive tickets?—Yes, they have the same tickets; they are expecting to be paid for their time; the ordinary pay is 5*s.* a day for six days; the canvass and the election is supposed to last for a week, and you may take it as the average, that they are paid 5*s.* a day for six days for their time.

2164. Do both parties pay alike, or is there a competition between two candidates standing for the borough?—A promise is made of a larger sum during the canvass than is generally paid, but the variation of price is on the second morning; there are a great number of the voters, after the state of the poll on the first evening is known, come into the market to know who will give them the most.

2165. Have those persons previously received tickets?—Yes, they have been feasting all the time; if they have been living on the candidate for a week, they do not consider themselves under an obligation to vote for him; they have their bargain to make afterwards as to money.

2166. They have their bargain to make as to the polling money?—Yes.

2167. Then the polling money is not a fixed sum?—No.

2168. With what description of persons do they make that bargain?—With one of the district agents; the committee appoint district agents.

2169. Is it upon the faith of the assurance of those district agents that they give their vote?—Unquestionably.

2170. They afterwards receive a ticket which they change for money?—Yes, after they have voted they exhibit their ticket; the list is then looked to, to see whether they have polled for the party, and then they receive their money.

2171. Are those district agents generally professional men?—Never.

2172. Have you ever acted as a district agent?—Yes, in 1832.

2173. What are the instructions given to the public-houses about the reception of those persons who came with the tickets?—The houses are opened by individuals of the party.

2174. By district agents also?—Yes, by district agents also; they are opened first under the pretext of finding accommodation for the out-voters.

2175. Is that at an early period of the canvass before the election?—Yes.

2176. Is the landlord instructed to give meat and drink to any person bringing those tickets?—When the houses are opened there is one of the agents or district managers has the superintendence of that house from the committee; one of the committee generally visits that house every evening to take the chair and drink the health of their friends, it is under the direction of the committee agent, who allows voters to take there what they please.

2177. Does he make a bargain with the innkeeper?—No, I think not.

2178. Who makes the bargain with the innkeeper?—I do not think there is any bargain with him.

2179. The innkeeper provides the meat and drink and trusts to the committee?—Yes.

2180. That money is never paid probably till the 14 days is expired?—There were several applications made by innkeepers, and they were told none of the bills could be paid till a certain time, that was until the rejection of the petition; they have been paid in part since, I believe.

2181. At the elections with which you have been conversant, was the same practice pursued?—In 1826 the expense was so enormous they did not get money enough to pay them for several years; they spent about 60,000*l.* on that occasion.

2182. Is that within your knowledge?—Yes.

2183. You mean both sides together?—There were three or four sides at that election.

2184. How many candidates had you?—Otway Cave, Sir Charles Hastings and Evans, and a fourth candidate, Lord Denman, afterwards, to receive the liberal split votes.

2185. You were cognizant of the affairs of that election?—Yes.

2186. It is your opinion there was about 60,000*l.* spent?—Yes.

2187. There were out-voters at that time?—Yes, we fetched them from France;

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at that time a great many lace makers who were freemen were in France, and we fetched them.

2188. Had you any means of judging what was spent in 1832?—I think not exceeding 4,000*l.* on the part of Evans and Ellis; the general report was that Boughton Leigh, the unsuccessful candidate, contracted with the corporation for 3,000*l.*; the general rule has been with our corporation to make a bargain with their candidate to bring them in for so much money.

2189. Has it been the practice on the other side for the liberal committee, as you call it, to make bargains too?—They have received instructions from the candidates what sums they will advance; Ellis, I remember, when he came down (I was in the committee), said, "What sum do you think is necessary to return me?" we stated what sum we thought necessary.

2190. How much was that?—I think we asked him for 5,000*l.*

2191. In what year was that?—I think the year 1830; he was returned twice for us.

2192. The question refers to the first election after the Reform Act?—I think it cost Evans and Ellis together about 4,000*l.* on that occasion.

2193. You say a great deal of the bargaining goes on on the morning of the second day?—Yes, the high prices; the extra prices beyond the tickets are given then.

2194. Is it your opinion that the poll could be shortened to one day with advantage?—That would do much good, it would save thousands of pounds.

2195. Do you believe there would be the same opportunity for bribery during the return on the first day's poll as there is before the polling of the second day?—Certainly not, because the voters calculate upon the balance of the first day. If such an one is so much behind, he will give me so much more for my vote, and I will go to him.

2196. Is it the practice or not of any considerable number of those of the constituency who are accessible to bribes, to remain unpolled till the second day?—Yes; it is very seldom that the most corrupt can be brought up the first day.

2197. Do they promise their votes?—Oh yes.

2198. Can any reliance be placed upon those promises?—None on earth; their promises are not worth two-pence a gross.

2199. Are you aware of any other species of corrupt influence which has been exercised over the voters in the borough of Leicester at previous elections?—I have a memorandum here which I will beg to state, that the number polled in 1835 amounted to 2,812.

2200. Can you state the number polled each day?—No, I cannot.

2201. Were there a considerable number polled on the second day?—No, very few; they considered it was all up, and therefore they would not come; one party would not buy the votes, and the other had got a-head and did not want to buy, therefore there were a good many who were not bought.

2202. Those who preserved their votes for the second day were disappointed?—In some cases, certainly. I consider out of 2,812 there are at least 600 marketable; if any gentleman wishes to represent Leicester, if he will give me a purse I will engage to return him, but I will not promise that he shall sit quietly afterwards.

2203. That is to say, you will engage to get that 600?—Yes; and the balance of political feeling at Leicester is so even, I do not think without purchase either party would get a majority of 100 of the unbought voters. I have analysed the poll book several times, I consider we have at least 600 that are to be purchased. In addition to that 600, there are 400 or 500 that, though they make a boast of voting for their party, yet expect to be paid on the same terms as those 600 who made their bargain: "You will give me the same as you do the others."

2204. If those men were not paid, would they vote at all?—I do not know a case of the kind; I think the promises are made both by agents and by voters pretty freely.

2205. The parties who receive the tickets which procure the treating are generally freemen?—Yes.

2206. Are any of them 10*l.* householders?—No; I should say that the 10*l.* householders, with very few exceptions, are not capable of being bribed.

2207. They are not the persons who have partaken of the treating?—No, and it is a very mistaken idea; and if I am not stepping out of my way, I should feel obliged by being enabled to state from my own personal knowledge, the number

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of houses has been doubled in Leicester since I have resided; the object in building is for a man to build as good a house as he can, four rooms, to evade the then existing house and window tax; there is no such property as 10 *l.* property in Leicester, such description of houses are made as good as they can be to be worth only 8 *l.* or 9 *l.* a year, to avoid the window tax and late house tax, and then the next are worth 15 *l.* or 20 *l.* a year.

2208. There is a large gap between 9 *l.* houses and a house above 10 *l.*?—Yes.

2209. Can you tell how many 10 *l.* householders there are in the constituency?—Eleven hundred.

2210. There would be 1,100 qualified to vote if the class of freemen were annihilated?—Yes, and there are about 200 left of the scot and lot.

2211. When you say there are 1,100 10 *l.* voters, you mean there are 1,100 householders entitled to vote?—There are 1,100 who claim to vote from the 10 *l.* qualification.

2212. In 1832, when you were cognizant of the election, did you distribute any of those tickets to persons claiming as 10 *l.* householders?—I believe not; I believe they are superior to bribery.

2213. Are there any freemen entered as freemen who occupy 10 *l.* houses, but not entered on the poll as householders?—They are entered in both cases; by the town clerk on the freemen's list, and by the parish officers on the 10 *l.* list.

2214. When you say there are 1,100 10 *l.* householders, that is exclusive of freemen?—Many of those are freemen; I am entered as a 10 *l.* householder and also as a freeman; I may represent which franchise I please.

2215. Is there any influence exercised over the voters for the borough of Leicester through the medium of charities?—Yes; I consider the corporation influence by means of their charities, trust monies and other monies which pass through their hands, at least six or seven hundred besides.

2216. Are those six or seven hundred of the same class as those you describe as accessible to money bribery?—No, they are moving in rather a more elevated sphere, a great number of them; in those six or seven hundred I would include the corporate body of seventy-two.

2217. Do you mean to say they are influenced by distributions of charities?—Yes, I do; I can show that they receive charities to the extent they ought not to do.

2218. Is it your belief, that in the distribution of those charities regard is had to the votes at the elections of the persons receiving the charities?—Yes; probably in reference to the more respectable portion, the voters know that the very sum of money, what is called Sir Thomas White's money, now amounting to 18,000 *l.*, is so used; the original object was to lend it out to poor young tradesmen, at 50 *l.* each, for nine years, without interest, if they conducted themselves well; they had then 40 *l.* for seven years longer, without interest, recently; the reason assigned by the corporation is that they have got so much money now that they must let it out in hundreds instead of fifties. I do not give them quite credit for that motive, but that it is to make the benefit more exclusive, that they may be more particular about their sureties; that accommodation given to 360 industrious tradesmen, at 50 *l.* would do a great deal of good to any town; but as it is lent out in hundreds, it gives accommodation to 180, and that is given with a distinct understanding, I have no hesitation in saying from political motives—"You shall have this money if you will serve us."

2219. Are you acquainted with any who have been benefited from that charity?—Yes, who have had the hundreds; I think the corporation have had it all themselves, and their sons, too, some of them.

2220. You say that they have restricted it to 180 instead of giving it to 360?—Yes.

2221. You say that it is given with a view to political objects?—Yes.

2222. How do you account for the corporation confining that political influence to 180 instead of 360?—It is because they wish to take the personal benefit to themselves instead of giving it to poor tradesmen.

2223. You say it is used to influence votes at the election, and yet you say that the corporation prefer securing 180 to 360 votes; how do you account for that?—This I say has taken place from the increased monies; it is increasing every year, and they say that they enlarge the sum because they can as well give a hundred as fifty; but they have been giving it the last few years exclusively to their political friends.

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2224. Do not you think that, if they had given 50 *l.* to 360 political friends, they would have had a greater advantage in regard to the poll than by giving 100 *l.* to 180?—It is questionable whether they could have found a sufficient number for it; but now few sums only become vacant each year.

2225. It is lent without interest?—Yes.

2226. Are there securities required?—Yes.

2227. Does not the loan of 100 *l.* reach a different class from those who would avail themselves of 50 *l.*?—Yes, to be sure it does.

2228. Are the persons who receive the loans of 100 *l.* those likely to be accessible to direct bribery?—They are men moving in a sphere of life that would not receive bribery at elections.

2229. Are you aware there is a similar fund also, Sir Thomas White's, at Nottingham?—Yes, at Nottingham, Coventry, Leicester, Warwick and Northampton.

2230. Are you aware that they advance only 50 *l.* at Nottingham?—I am not aware.

2231. Are you aware that of the 13,000 *l.* they have at Nottingham, they have applicants only for 10,000 *l.*?—I am not.

2232. Have you read the Corporation Reports?—I have not. The money is seldom the whole of it out, for the mayor for the year, as one of his perquisites, has the interest of this money when not out.

2233. That is, the interest of the money when not lent?—Yes.

2234. Are you acquainted with any of the parties who have received this loan from the corporation?—I know many personally.

2235. Are they retail tradesmen?—Some are professional gentlemen; they are principally the corporation and their immediate friends and the publicans.

2236. Are there any instances of parties who have received loans of money though voting on the side opposed to the corporation?—Yes, in some cases; from 1822 to 1831 they granted the money to 117; in that election, out of the 117, there were seventy-six voted for the corporation candidates and four against them.

2237. Is the loan resumable when it has once been made?—It is lent for nine years certain without interest, with two good securities.

2238. At the end of those nine years is it uniformly repaid?—It is repaid; in the year 1832 they granted the money to eleven, ten of whom voted for them and one against them.

2239. Have you known any instances of their refusing to advance money to the parties on the other side in politics?—I have.

2240. In those cases were there respectable sureties tendered?—As good as the town could produce.

2241. While the parties keep the money they are independent of the corporation?—Yes; but then there is a sort of feeling of obligation.

2242. Would not that prevent persons of an opposite bias in politics making the application?—In some cases, when they think that the individual is a little wavering which way he shall go, they make him an offer of the money to get him over.

2243. Has it been within your knowledge that they have made that offer?—I have known persons polling against them at one election and for them at another; and I have noticed many reports that they have received the corporation money in the mean time.

2244. You do not think it possible for a man to change his opinions between one election and another?—Yes, I have done it myself; I do not think a man does wrong by changing his opinions.

2245. So that the difference of his vote might have been owing to a change of opinion?—It might have been from principle.

2246. Are not men apt, where there is a change of opinion, to endeavour to discover a cause for it?—We generally, I think, give our opponents the worst motive rather than the best; we do not put the most charitable construction upon their conduct.

2247. In 1832, did you pay the publicans' bills?—No, it was not in my department.

2248. Do you know what the publicans' bills were?—It is not within my recollection now.

2249. Was there more or less drunkenness at that election than in 1835?—I think we were worse the last election than any other, except 1826.

2250. Is there great competition among the publicans to get their houses opened?—It is generally known what the political feeling of the publican is before that time,

and when the candidates call upon the houses in their favour, money is left, or orders given by some of their friends, to drink the health of the candidates; then they generally begin to drink away, and seldom stop after that till the election is over.

2251. Do you consider that the opening of public-houses is a mode of bribing the publican?—Yes, assuredly.

2252. Is it considered as a means of obtaining his vote?—Yes, in some cases.

2253. Have you known that?—Yes, I have.

2254. Have you ever, as a committee-man, had the expediency of opening a public-house, with a view to getting the vote of the publican brought before you?—The publican says, I will support you if you will give me a job.

2255. Do the customers of publicans exercise any influence over them?—I should think not; the influence of the publican is first by the corporation or some exclusive brewer; the publican must first become a freeman before he can have a license, and for that they have been accustomed to charge latterly 50 *l.* I have heard by report some cases where a freeman in his own right has applied for a license, and there has been some objection, but if a stranger comes into the town there is seldom any objection to a license; he is then told he has to purchase his freedom; he does so, and in many instances gets the offer of Sir Thomas White's money, out of which he pays the price of his freedom, and in some cases his maltster and his liquor merchant become his sureties, and they take the two twenty-fives it is supposed in those cases towards their bills.

2256. Is there any system of exclusive dealing resorted to by either party in the town of Leicester?—Yes, there is a great deal of very bad feeling after an election.

2257. Is there any on the part of workmen and people in that class of life?—That depends upon how the state of trade is; if trade is very good, we are anxious to please our men, and do not contend the point with them; if trade is bad, a man does not dare vote against the wishes of his master; many of them are told, if you do not vote for me, I will take your frames from you; but that is generally met, as there is a considerable portion of manufacturers on both sides. In 1832 there were a great number of frames changed hands. It 1832, it was said, if you do not vote for us, we will turn you off; that brought forward the opponents, that work would be given to any extent to men who lost their work by their vote.

2258. Did that cause any ill feeling between the masters and the workmen as a class?—No; this year trade has been very good, and it was about as much our interest to please our men as our men to please us.

2259. The last election they voted pretty much as they pleased?—Yes, they did so, with this difference, that on the one part there were open houses the whole of the time, on the other there were not, and the men rather chose to go where they would get plenty of eating and drinking.

2260. When trade is good, is there any influence exercised by men over the tradespeople who supply them?—No; there are a number of retail shopkeepers decline to vote altogether; they do not vote because they know they shall lose some of their customers if they do; the election is followed by a very ill feeling.

2261. Customers of what class?—I heard of a conversation with a lady, and she said, "We should not think now of dealing with a man who voted against us;" it is a feeling which is now increasing very much.

2262. Do you find persons keeping the small provision shops under any influence; persons not dealing with the higher classes?—No.

2263. Do not you find them under obligation to the lower classes?—No, the obligation is the other way; they make advances to our workmen on their wages; they are generally in debt to the shopkeepers; they consider that they keep pretty straight if they pay on the Saturday night for what they have had during the week, and they consider themselves entitled to credit for another week.

2264. Are the lower classes in Leicester divided or on one side?—They are generally divided; we have a hospital called Trinity Hospital, which has about 110 rooms in it; that is in the gift of the corporation. I recollect, when I canvassed with Evans in 1832, Boughton Leigh and the corporation party had been in those streets before us for two days, and they stated distinctly, what I believe every person knows, that the members of the corporation went in and offered them a hospital place for their father or mother, or asked them whether they had any boys for the Green Coat School, where they are clothed and educated for four years without expense.

2265. How many boys are there in the Green Coat School?—I think 135.

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2266. All in the gift of the corporation?—They are trustees for the money, and they make it a political engine.

2267. When you speak of a hospital, is that a hospital for sick people or for aged persons?—For old men and women; it is in the nature of almshouses; it is under the Duchy Court of Lancaster; I think it was founded by John Duke of Lancaster.

2268. Do the Duchy Court of Lancaster exercise any control over it?—I believe not, the corporation are the trustees.

2269. Do they dispose of the places?—Yes; it is the privilege of the mayor for the year to fill up all places or vacancies in the year.

2270. The Duchy do not exercise any authority over it?—We have a Duchy Court, but they do not exercise any authority, I think.

2271. Are there a considerable number of persons in the employ of the hospital besides those actually admitted, tradesmen and so on?—No, the inmates have rooms and so much per week; there is also 8 *l.* each to put out the boys apprentice from the Green Coat School; in those I include the 600 or 700 influenced by the corporation by their use of trust monies.

2272. What do you apprehend would be the result of secret voting in the town of Leicester as regards the bribery which takes place there?—I think it would put a stop to it in a very great degree.

2273. You have stated that you would undertake to return a gentleman of whatever politics by means of the 600 purchasable votes if he would give you a purse long enough; would you make the same undertaking if those persons voted in secret?—Certainly not; I would not trust one of them if I had the money.

2274. Why not?—Because they would take the money from me and the other party too.

2275. What do you suppose would be the effect if you promised them so much a head if your man was returned?—They would not give me credit for it, they would want payment for their own individual vote.

2276. Supposing you promised to pay the whole 600 five guineas a head if such a man was returned?—I do not know how I could manage such a thing without being too barefaced, how it could be worked, if a person comes to me and says, "What will you give me?" I say "2 *l.*"; he says, "The other party will give me 3 *l.*," and I consider whether I shall give it.

2277. Suppose you go to a man and say, "If my man is returned, I will give you five guineas?"—I do not think I could work that at all in the lump.

2278. Would not the risk be less; you pay nothing if the man is not returned?—I am quite sure if the ballot was established, I would not give one of them sixpence; all their bargains are now made on the condition of their being found on the poll book; but with the ballot I could not prove the fact.

2279. The question supposes you do not give them a sixpence unless your man is returned, and your object is answered?—I do not think I could make any such contract.

2280. Supposing they were aware that your man meant to give them nothing, and that you told them you would give them five guineas if your friend was returned, would they not do any thing to secure his return?—I am quite sure if I or any candidate called 40 or 50 together and said, "If my man is returned you shall have so much," they would all go off to the other committee.

2281. That is under the present system, but the question is under a system where no man's vote is known?—They would go to the other party to ask what they would give if their candidate was returned, therefore I should not dare to trust these people with the money or promise.

2282. What would be the result if you promised them money in consequence of your having succeeded in your object, if you say, "Mr. Thompson has paid me 5,000 *l.* to give among you if he succeeds, if not, I have nothing to give to you?"—I do not know how that would work.

2283. Would not they go to Mr. Johnson and say, "Will you give us 6,000 *l.*?"—It is possible.

2284. Would not such a contract be to be made with a very large number?—Yes, I do not see how it could be made; there are in Leicester 1,200 men, how are they to be contracted with?

2285. How do you manage it now?—By intermediate men making a bargain with the voters individually.

2286. Making a separate bargain with each?—Yes.

2287. Suppose

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2287. Suppose the ballot were established, might not every man who had voted, whether on the one side or the other, apply for the money with an equal title to receive it?—I should not know whom to give it to.

2288. You therefore would have to pay the whole of the voters?—I am quite sure I should not be a party to such a contract myself, and I can speak not only my own opinions but the opinions of most of the persons interesting themselves in the elections, that such a plan would not work in our constituency from its extent.

2289. Supposing a contract of this kind to be paid after the election, every voter might go and apply for it with an equal chance of receiving it?—Yes.

2290. Would it not be very easy to prove it, the money being to be paid to all persons on the one side or the other?—It could not be worked at all, I am sure.

2291. It would be more difficult to prove an act of bribery, inasmuch as you could not prove a previous promise?—I do not see how it could be done, the payment of this money, I apprehend, would unseat the Member.

2292. Do you see any objection to this under your system; you would canvass a borough, and would obtain promises or refusals; if you carried the election you would, according to your promise, at once pay the persons who promised you; if it was a general understanding, without any specific engagement on your part, do you not think you should have a better security for those who had promised voting for you than the others, and would there be any difficulty in carrying that into effect?—I see considerable difficulty in making a contract with 1,200 men; there are 1,200 to be purchased in our constituency, I conceive.

2293. You say if a gentleman comes down to Leicester with 20,000 *l.* you would undertake to return him, how would you do that?—By the present plan with runners and agents, but under the ballot I am at a loss to know how it could be done; I am sure the men are not to be depended on.

2294. You enter now into a contract with each individual?—Yes.

2295. What difficulty would there be in entering into a contract with the whole?—Because I can refer to the poll-book now to see how a man voted.

2296. What signifies which way he voted so long as your Member is returned?—I do not see at all how it would work.

2297. Supposing you had made such a contract as that, either on paper or verbally, with a large number of men, and that your candidate was not returned, should you then pay the men the money under the new system?—I am quite sure I should enter into no such contract with them.

2298. Under the present system, whether a man wins or loses, he pays?—Yes.

2299. Then no one is dissatisfied with the agent?—No.

2300. Under the system proposed, would not many be so dissatisfied that they would peach?—Unquestionably; it would be sure to be known; I cannot conceive that any one would be so foolish as to enter into such a contract, the committees I have acted with would not.

2301. You have committed yourself you say with 1,200 men; at present you say you can return a gentleman if he will give you money?—I tell the gentleman what I will do for him.

2302. Is not your man in danger from the men whom you have not paid or from the men you have paid?—They would either of them sell me again by an impeachment if they could.

2303. The payment of money might become known through the medium of some voters?—No doubt it might; I do not think men could be found to be the agents under such a contract, either for the one party or the other.

2304. Has that opinion been expressed in your hearing by others conversant with elections?—Yes; I am quite satisfied that voting by ballot would put an end to the system of paying men for their votes.

2305. Is this the first time you have heard the question stated as to paying only in case of a candidate being returned?—It is.

2306. You have spoken of the influence of the corporation, how would the ballot prevent that?—A great many vote from fear and from promises to their children.

2307. How would the ballot prevent the influence of Sir Thomas White's money, would not the corporation still distribute that among their friends?—To be sure they would; but it would induce some to vote against them who now vote for them, that I know.

2308. It would not improve the administration of the corporate property?—It is town property, not property of the corporation; the ballot would allow a man

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to exercise his own political feeling without the influence he is now under, which I contend the voters many of them do not enjoy now.

2309. Would you allow a Member to canvass under your system of the ballot?—I am decidedly averse to canvassing, I think it degrading to a candidate.

2310. Would you merely have him announce his name?—I would have him take up his station at the Three Crowns or the Bell, or any other house, and by the press state that he should be glad to meet any of the constituents who will call upon him to give them any explanation, supposing he had been representing the borough before; I do protest against the canvass.

2311. You state that a canvass is degrading to a candidate, but are you of opinion that it is necessary to prohibit canvass by law?—I strongly recommend that.

2312. Are you not of opinion that the ballot would protect the independent electors better, notwithstanding the canvass?—It would relieve some of the voters, some of them would make a promise which they would afterwards break.

2313. Would it be practicable to prohibit canvassing by the friends, if not by the candidate?—I should be glad to see it prohibited.

2314. And committees also?—Committees I think are necessary; there is a detail of business which must be attended to.

2315. You assume that the candidate had formerly represented the place, but in the case of a stranger going, you would recommend his advertising his appearance at the Crown or elsewhere?—Yes.

2316. You do not consider that a canvass?—No, I consider that any person having represented or wishing to represent should be open to any inquiries as to his present or his former public opinions or acts.

2317. Would it not be difficult to define by law what an act of canvass should be?—I think not.

2318. You say he should be at liberty to meet parties at the public-houses?—I should say that the candidate should make known his intention of offering himself for this or that borough, and that he shall be happy to receive any voters who call upon him.

2319. And you agree that he might meet parties of the constituents at other places?—No, that he should state that he should be happy to meet them to give any explanation.

2320. Do you not conceive that he should meet his constituents in various parts of the town to express his sentiments if they wish it?—I think it would be just as well done by his receiving them in his room at his inn.

2321. Do you not think that the protection which will be supplied to voters by ballot is perfectly unconnected with their being canvassed or not?—A small shopkeeper or a person under the influence of a person who goes with the candidate, promises contrary to his political feelings; then says he, "Oh! I do not care about forfeiting my word, because I am going to vote by ballot, I shall vote as I like, and no one will know how I vote."

2322. Your object in providing for there being no canvass, is rather to save a man from the moral result of his misrepresentation of his intention than to prevent his voting contrary to his wish?—I think the getting rid of the canvass and introducing the ballot would save a man's moral character and his political also.

2323. The object of the ballot is to protect the voter against being induced to vote against the convictions of his own conscience; the object of prohibiting the canvass is to prevent a man being induced to vote in the way he does not intend?—Yes, I think that a man ought to be protected by the ballot from doing that which he feels to be unjust and improper, and that by the canvass being prohibited he ought to be saved from making a promise he does not intend to fulfil: the moral character would be benefited by the ballot and no canvass.

2324. The object you have in view in wishing for the ballot is protection to the voter from the consequences of its being known how he has voted?—Yes.

2325. Your object in recommending the ballot is to prevent intimidation?—Assuredly.

2326. Do you conceive that the ballot would afford a protection to him as long as canvassing continues?—Not to the full extent.

2327. Still he would be enabled by the ballot to break a promise he had made upon the canvass?—No doubt he would.

2328. As long as the canvass continues, that protection which it afforded will be accompanied by instances of the depravity of the voter, by the promise being made first, and then the temptation held out by ballot to break that promise?—Yes.

2329. Your

2329. Your object is to prevent the immorality incident to the canvass?—Yes, combined with the ballot.

2330. Supposing you could prevent the canvass by candidates themselves, do you apprehend it would be possible to prevent a canvass by some persons or other?—That would depend entirely upon the law, whether I should make myself amenable to any law by canvassing.

2331. Do you think that the benefit you would derive from the protection of the ballot giving the voter the free exercise of his conscience, would be more than was counterbalanced by the increased depravity the canvass and ballot together would produce; would not the increased depravity alluded to be a greater evil than the present?—No, I think not.

2332. Does not a man who now votes against his conscience commit an immoral act in so doing?—I think he does, but that is in his own conscience rather than a public act; a man giving a promise on a canvass is a public act, he forfeits his word.

2333. Does not a man who votes against his conscience equally violate the trust connected with the exercise of the franchise?—I think he does.

2334. Therefore a man would have to take his choice between two modes of violating his conscience, a breach of what he considers to be his duty to his country, or a breach of the promise he has made by voting against his will?—Yes, I conceive the dispensing with the canvass and the ballot would effect both.

2335. If you could extinguish both the canvass and the ballot, you think the one and the other will be entirely done away with?—Yes.

2336. Do you think it would be possible to make it penal for one man to ask another for his vote?—I really cannot give an opinion upon that.

2337. Have you adverted to that which has been alluded to of canvassing with the authorized or unauthorized support of the candidate?—That would refer to either case.

2338. Have you contemplated the possibility of preventing that?—No, I should like to see it done away with, but I hardly consider it practicable.

2339. Is there not in fact more intimidation exercised in that portion of the canvass which is carried on by the supporters of the candidate than that which is carried on by the candidate himself, and in his presence?—The influence is by individual partisans, not by the candidate.

2340. Is the exercise of that species of influence generally reserved for periods when the candidate is not himself present?—It is not material.

2341. You could not prevent a landlord intimating to his tenant that he wished him to vote for a particular candidate?—Perhaps not.

2342. Do you not feel that it would be impossible to frame a law to prevent canvassing?—I am not a law maker, but I think there would be no great difficulty about it, I think it might be done. As far as regards a manufacturer like myself, and my men—my men come in every Saturday with their work, of course I could, if I pleased, ask them for their vote on the following week.

2343. You could not pass a law to prevent the giving a very broad hint?—Certainly not, to my workmen.

2344. All you could prevent by law would be the public manifestations of canvassing, and the posting up at an inn Mr. So-and-so's committee sits here?—I do not object to that.

2345. All you could prevent would be the formal visit of the candidate knocking at each door?—Yes, I dislike that exceedingly, and I think there might be a law to prevent that; how it would work in private I cannot say, no law can be made to prevent that.

2346. Is there any other subject on which you have any suggestion to make with regard to the prevention of practices of this kind?—There is one very great evil has operated in Leicester very injuriously, that is the appointment by the magistrates of the overseers.

2347. Do you mean with regard to the registration of the vote?—Yes, although the overseer is expected to attend at the court-house and prevent pauper voters being registered among the freemen, he is not obliged to attend there; but when a class of men come up who are politically opposed to him, he comes and says, I have given relief to that man within 12 months, and he goes off; when other parties are coming up that are supposed to be in the favour of his interest, then he walks off, and the revising barrister has not power to retain him; I presided at one

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of the booths at the last election, and I can say individually there were at least 20 paupers polled.

2348. You mean to say there is no power under the present law for objecting to a party for the receipt of parochial relief unless the overseer chooses to attend?—Yes, just so.

2349. It would be desirable in your opinion to provide for the compulsory attendance of the overseer?—Yes, and the surrender of his pay books for the year.

2350. Do you think the ballot would have a tendency to create suspicion and distrust between employers and those employed by them?—No, it works very well at Leicester; at our Infirmary every thing is decided by ballot among the governors; there are about 300; I do not know how any one votes unless he pleases.

2351. Is it generally known how the individuals vote?—It is not made any subject of discussion now, whereas from public voting there is a very bad feeling prevailing for 12 months afterwards; many politically opposed cannot meet in the streets for a time, though they have been intimate before.

2352. Do the governors never talk over matters beforehand that they are about to dispose of by ballot?—I speak of elections of chaplain and other officers.

2353. Do you think that there would be bad feeling from persons being supposed to have voted differently from what they promised?—I think not.

2354. Would not one workman be able to create suspicion against another by suggesting that he has voted differently from what he promised?—I think not.

2355. How would he clear himself from that suspicion?—By the forfeiture of his word, if he has acted contrary to that suspicion; I think suspicion would not exist because it would be difficult of proof.

2356. Would a master in that case be likely to act on the suggestion with a view to a future election, or would he not be more likely to lose a vote by turning off a man on such a suspicion?—I do not think that a master would be influenced by the report of a fellow workman.

2357. At all events, his turning off the workman could not operate to intimidate another workman?—No; I know amongst some of the most considerable manufacturers, who employ two-thirds of the workmen, they are exceedingly anxious for the ballot.

2358. Do they find practical inconveniences from the open voting?—They think it would put a stop to bribery which exists now so shamefully.

2359. It is not from any inconvenience they have sustained in the town?—No.

2360. How many governors are there in the Infirmary?—About three or four hundred.

2361. Have the corporation any influence in that?—No.

2362. How are the governors chosen?—In their own right, as two guinea subscribers.

2363. Is there a canvass when there is a vacancy for a surgeon?—Yes.

2364. Are the subscribers in the habit of giving promises?—No, not generally, I think.

2365. Do they think it worth while to canvass?—Yes, they think it respectful to call on the parties.

2366. Is it not supposed that the person who canvasses has a better chance than the person who does not?—Yes, because it is the custom to canvass.

2367. Supposing a friend of yours was a candidate for a surgeon to the Infirmary, do you not think he would have a better chance from canvassing?—I should certainly recommend him to conform to the present usage, since other persons would, considering the present usage; but I should like to see it discontinued.

2368. Supposing one of the candidates for the office of surgeon happen to have one of the governors under his influence, supposing the governor owed him a considerable sum of money, would you advise him in his canvass to remind the governor of it, and tell him if he did not vote for him it should be worse for him?—I should not recommend that, certainly.

2369. Do you think that would be more likely to dispose the person to vote against him, his having canvassed him in that manner?—No; I think if there was an obligation existing, that would have an influence upon the party.

2370. Even if the party owing the obligation voted in secret?—Yes.

2371. You say as long as the present system exists you should recommend that the person who was candidate should canvass, do you not think it desirable that the persons who have to vote should have an opportunity of ascertaining the personal qualifications of the candidate?—Yes, and I should recommend that the candidate should

should make it known where he was in Leicester, and that he was open to communications with the constituency.

2372. With regard to the governors of the Infirmary, it is necessary that the person who is candidate should make known his qualifications?—That is generally done by advertisement.

2373. Supposing the constituent infirm and unable to come to the rooms, would you object to the candidate waiting upon him?—Yes, I would; it would be better if we had not such a custom.

2374. Is there any other suggestion you have to make?—I should strongly recommend that the non-resident freemen of Leicester were cut off from the constituency.

2375. What do you mean by non-resident?—Those not residing within the town; the terms resident and non-resident have received a new meaning under the Reform Bill; if a man lives seven miles out of the parish, he is supposed to live in it.

2376. Have the goodness to state your reasons?—That nearly the whole of them are the very worst of the voters, those that are to be bought; it is only necessary for me to purchase those out-voters to gain a majority at the election.

2377. You think that the out-voters are more open to bribery than the others?—Certainly.

2378. What is the reason for that?—They are of a lower class.

2379. That may apply to one constituency and may not apply to others?—Just so; I speak only of Leicester.

2380. It will apply generally to cases where there are numerous populous villages in the neighbourhood of the town?—Just so.

2381. Is it the practice to pay for the admissions of freemen in Leicester?—Yes, they give them the needful on both sides.

2382. What is the fee?—There are three different sums; I think the admission of the eldest son of a freeman is 1 *l.* 8 *s.* or 1 *l.* 9 *s.*; the admission of the other sons is rather more.

2383. Has it been the practice of the two sides in Leicester to pay for the admission of freemen?—Ever since 1826.

2384. Has that gone on ever since the Reform Bill?—Yes, the consideration is before the registration, with a view to have his freedom.

2385. Is it done now before the registration just as it used to be done just before the poll?—Yes.

2386. To as great an extent?—Yes, of the young part of them; the young man promises to support the side who pay the 1 *l.* 8 *s.* to 1 *l.* 10 *s.* or 1 *l.* 12 *s.*

2387. Is there any payment of rates?—No, we received very few levied at the last two elections; one election, I think in 1830, we received in our little parish two or three hundred pounds from the election, which was very lucky for us all; our arrears were paid up; it saved us a levy.

2388. Has any of that payment gone on lately, previous to the registrations?—No, very little.

2389. That used to be paid by the candidates?—By the committee.

2390. The payment of a fee is considered obligatory on the conscience; they seldom vote against the parties who have paid for their freedom?—I think they do; generally promising the person who applies to them first.

2391. Should you, acting as a committee man, pay those entrance fees for the burgesses if there was a system of secret voting?—Certainly not; I would not pay them a halfpenny, for I should not have any dependence on them; I should like also that the voter should swear he has not received any payment or promise before he votes.

2392. Is the bribery oath ever put at Leicester?—I never heard of it.

2393. Have you ever heard it suggested that it should be put?—No, never.

2394. What do you think would have been the effect on the canvass in the year 1826 on any candidate who insisted that the bribery oath should be put?—I do not know the nature of the oath exactly.

2395. Would it have given offence?—Yes; I should strongly recommend that no election bills contracted by publicans should be recoverable by law.

2396. Is not the contract with the publican now made in such a manner that it is not obligatory?—So it is, but they expect it.

2397. Then that would remain pretty much as it is now, a debt of honour?—Yes, so it would.

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2398. Have you been at all engaged in the elections of Nottingham?—No, never.

2399. You have been all your life a manufacturer at Leicester?—I have been resident in Leicester thirty-eight years; I think it would be desirable also that the constables and the police receiving pay should not vote; that is a means of considerable influence on the part of the corporation, creating them constables and swearing them in, but never, in many instances, calling them out; I should also recommend, that all the Members on taking their seats should swear that none of their money has been expended in the purchase of votes to their knowledge.

Mercurii, 27° die Maii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Thomas Edwards* and Mr. *John R. Staff*, called in; and Examined.

Mr. *T. Edwards* and Mr. *John R. Staff.*

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2400. YOU are both inhabitants of a corporate town?—[Mr. *Edwards.*] We are.

2401. Have you been conversant with the elections for Members of Parliament in your town for many years?—I have been concerned myself about eight or ten years.

2402. Have you been yourself concerned in the management of those elections?—I have.

2403. Has any species of corruption existed at the elections for Members of Parliament?—Yes.

2404. Have the elections of Members of Parliament been in any degree connected with the municipal elections?—I think most decidedly so; the local elections have a decided influence over the general elections.

2405. Have the local elections been considered as preliminary struggles of parties by which the subsequent Parliamentary election was virtually decided?—I think they have to some extent, though not to the full extent.

2406. Will you describe in what manner the municipal elections act upon the Parliamentary election, and in what manner corrupt practices are carried on at the municipal elections, in order to affect the subsequent elections for Members of Parliament?—I will begin with the local elections; we have elections for mayor, sheriffs and common councilmen. The common council are elected by three nominees in different wards; those three select among themselves 60 common councilmen, and that is where I consider the principal bribery arises.

2407. In what mode is the bribery carried on at those elections?—As far as a local election, we never have a serious contest without bribing or treating.

2408. Through what agency and in what manner do you set about to bribe an individual voter, or a collective body of voters?—One way is this, that if the parties are returned without a poll, they then pay the men at those elections from 5*s.* to 7*s.* 6*d.* each freeman annually, for the nominees or common council election; the party that is returned pays that, and sometimes the losing party.—[Mr. *Staff.*] To explain what Mr. Edwards has said, when there is no poll, the party who were considered to be in the minority not having made a contest, sometimes pay this head money as well as the others, in order to keep up their own influence.

2409. Supposing there is a poll?—[Mr. *Edwards.*] Then I have frequently known, when the contest has run sharp, from 7*s.* 6*d.* to 20*l.* and upwards given for a vote.

2410. Does the price rise as the contest becomes more severe?—It does.

2411. Through what agents are the bargains made with those voters?—The bargains are made by the parties canvassing them, and sometimes made at the poll; I have repeatedly seen money paid at the side of the poll booth, and money paid into the voter's hand to go and vote.

2412. Do those payments come under the cognizance in any way of the principal managers of the election?—The gross sum which they intrust to the parties to buy the votes comes under their management, and sometimes they give particulars.

2413. Have those particulars ever come within your knowledge; have you ever audited such an account?—I have.

2414. In what way do those bribes, given for the municipal elections, operate upon

upon the voters in the subsequent Parliamentary elections, is it considered a sort of retaining fee?—I think it is, particularly when it comes near to a general election.

2415. Have you ever observed that the price of votes at those municipal elections is higher if an election for Members of Parliament is coming on?—If there is likely to be any serious opposition for the Members of Parliament, I think it would.

2416. Was there a contest for municipal officers in the year 1832?—There was a very serious contest for sheriff in August 1832.

2417. Was that at a period when an early dissolution of Parliament was expected? The Reform Bill passed in June previous to that, and we had an anticipation of a general election.

2418. At the election was there very considerable bribery?—I think I never knew or heard of so much bribery at the sheriff's election before; the contest ran very close at the finish of the election.

2419. Are the sheriffs the returning officers?—They are, for Members of Parliament.

2420. Do you find that the freemen who have voted upon being paid at the municipal elections, adhere to the party that paid them at the next contest?—I think there is a great portion of them that do; but I think there is a portion of them always in the market, that if any thing intervenes between that time by which they would be better paid, they would take it; if any municipal election occurred subsequent to that, I think they would then be buyable if they had a better offer.

2421. At the election in 1832, did you find that most of the persons that had supported your party at the election for sheriff, also supported your party at the election for Members of Parliament?—We had a great defalcation of them, because they were subsequently bought.

2422. To what circumstance do you attribute that defalcation?—I attribute it to their being bought at the general election in 1832. I have no doubt of their being bought.

2423. Are you at all cognizant of the means by which they were bought at that general election?—I believe that they were bought by persons who had been in the habit of canvassing, and they were intrusted with money; where they got the money from is no business of mine, and I know not.

2424. Do you presume that they were bought at the general election in the same way that they were bought at the previous local election?—I am certain they were, because I had one of the men that were bought, who brought the money into our committee-room and deposited the money when he was bought; he was bought openly in the street.

2425. Had it been the practice at previous Parliamentary elections for the borough in which you reside, to buy votes in the same way in which they were bought at the municipal elections, or was a different system pursued formerly?—A different system was pursued.

2426. By both parties in the borough?—By both parties.

2427. Will you describe the mode in which they were bought under the old system?—I think they were bought by the patronage of the corporation in some degree, by the alderman giving our corporation charities, promising turns to the voters or to voters' children.

2428. What are the general sums paid?—After an election there was what we call head-money paid; after the time had expired in which the Members could be petitioned against; we waited till after that time.

2429. What was the understanding with the voters about this head-money?—The understanding was that they were to have half a sovereign for each candidate, a sovereign each voter.

2430. In what way was that understanding communicated to them?—It was generally taken for granted that it was so.

2431. The custom of the place?—The custom of the place, and sometimes they used to say I expect to be put on as a chairman, and also to have the money after the election.

2432. In the event of their being refused to be put on as a chairman, in that case would they go to the other party?—Yes, and we frequently have done it; but when the contest runs high, neither party refuses it.

2433. Have you ever known any person who had applied to the other party for any appointment of this kind being refused, and coming to your party and getting it granted, and then giving you his vote?—Yes.

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2434. What is the appointment of chairman?—Persons to carry a chair; there are about 50 to carry the chair, and we have known as many as 700 or 800 paid, although they do not carry.

2435. Are those voters themselves or connexions of the voters?—Since the Flag and Colour Bill has passed, they cannot be voters. Now when we are canvassing they say, "You must put on my son or my father;" they make a regular claim.

2436. Does that system still continue?—Not to the extent that it did; but it does to a very large extent now.

2437. On both sides?—On both sides.

2438. Do you conceive that to be a mode of bribery?—It is an indirect bribe, certainly.

2439. Are there any persons besides chairmen that are bribed in that way?—There are what are called the chair posse, and there are what they call the sheriff's posse. It often happens that we cannot promise a man's son to be a chairman because the list is full, and we say, "You shall be what they call a chair posse," that is, a man to walk by the side of the chair and take care of it; and sometimes we are obliged to pay him as much as though he was one of the chairmen.

2440. Are they also put upon the band?—Every freeman who can play upon an instrument, or fancies that he can play, makes a claim to be put upon the band; the fact is, that we cannot make a band without non-freemen.

2441. With regard to the flag-bearers, are they in the same situation?—Yes; we try to satisfy them with being flag-bearers, and if we cannot satisfy them with that, we put them on the chair.

2442. Is the pay of the flag-bearers less than that of the chairmen?—It is.

2443. It is, in fact, a mode of paying the electors?—Yes, and the applications for various situations average three-fourths of the constituents.

2444. What is the total number of the constituents?—When I say three-fourths, I speak of one side; the registration is 4,018.

2445. Are there many applications of the 10 *l.* householders for those situations?—Yes, there are many from them; the fact is, that in that place the small 10 *l.* householders would become as contaminated as the others.

2446. What proportion of the old constituency on each side make applications?—At the sheriff's election we polled 1,258, and out of those we paid 900, and those 900 would be sure to make application at the general election for some situation for themselves or their friends. With respect to the 10 *l.* householders, I think such applications from them are for the clerk's situations, a little above the common freemen.

2447. Are there many persons in a respectable rank in life who are freemen as well as 10 *l.* householders?—I can give the proportion as to the rates; we have 2,640 resident freemen; out of those we have 1,152 rated to the poor; we have 400 paupers amongst the freemen, who are struck off at the registration and yet vote for a municipal office. Then we have 968 householders not freemen that are not paying rates, making altogether 1,498 not rated to the poor.

2448. How came they not to be rated?—Because they live in too low a description of house, houses from 50 *s.* to 6 *l.* or 7 *l.*

2449. Are the rates of those houses paid by the landlords?—They are not rated at all.

2450. What is the lowest rated house?—About 7 *l.* rental.

2451. With regard to the 1,152, how many are 10 *l.* householders?—Rated for property of 10 *l.* and upwards, 959; and under 10 *l.* and rated, 193.

2452. Those that are 10 *l.* and upwards, do they vote as freemen?—At municipal elections they vote as freemen, and they vote at general elections as freemen; in general, all the freemen are registered as freemen; we have about 966 10 *l.* householders besides this list, and we have a constituency of freeholders.

2453. How many are there of those freeholders?—The freeholders are persons who live within seven miles; there are about 730.

2454. What class of persons are they?—They are a better description of persons than the freemen, many of them live in their own houses.

2455. Does that body contain a large proportion of what you call saleable votes?—I think not; many of them are small freeholders, that are under great influence from solicitors and others.

2456. But you consider that, as regards bribery, they are the most respectable part of the constituency?—Decidedly they are.

2457. Do they vote at the municipal elections?—No.

2458. Have

2458. Have you not a very low class of 10 *l.* householders?—Yes, some of them are very low.

2459. Is not a very large proportion of your 10 *l.* householders much poorer than are generally found in that class in most towns of the same size, owing to the particular circumstances of your manufactures requiring a mere labourer to keep a house to himself?—We have very few labourers or very few persons concerned in the manufactures that are householders at all; the principal part of the manufacturers are the weavers, who are freemen, who live in houses not rated; I should think among the weavers we have, there are very few of them that are rated; I should think that the greater part of the 10 *l.* householders are in houses that they occupy from 10 *l.* to 20 *l.*; many of the more respectable householders are freeholders also.

2460. Supposing that the constituency was reduced to 10 *l.* householders only, you would have about 2,200 10 *l.* householders?—I think we should.

2461. Is there any other corrupt practice which takes place in the elections for Members of Parliament?—[Mr. *Staff.*] I think the mode of appointing the sheriff's posse is a direct mode of bribing, and the sheriffs are made instruments of it in some degree. The practice is, that the candidates come to an agreement with the sheriff, and amongst other things in that agreement as to polling places and matters of that kind, there is an agreement that a certain number of persons should be appointed by the sheriffs as their posse, that is, to keep the peace. The candidates agree upon the number that are to be so appointed, and sometimes it varies from 100 to 500 or 600 persons, and then the sheriff receives the names, one-half from one side and the other half from the other side; the consequence is, that the sheriff's posse is formed of an equal number of partisans on each side, and if any disturbance takes place, the sheriff's assistants join their respective partisans, and the sheriffs are left with the under-sheriff by themselves to do the best they can; those persons are paid by the agreement of the candidates a certain sum, and they are nominated by the voters themselves, and it is a sort of bribery.

2462. Then the sheriff's posse is more calculated for the purpose of bribing the voters than of keeping the peace?—Just so; if the sheriffs had the appointment of about 100 men of their own selection they would be able to do far better; I have paid about 500 *l.* for that particular department of the election, and that is 500 *l.* in fact spent in indirect bribery.

2463. Is there any other mode of direct or indirect bribery?—[Mr. *Edwards.*] From the patronage of the corporation and from the charities.

2464. Has any evidence been taken upon that subject before the Corporation Commissioners?—Yes, there has.

2465. Do the corporation enjoy very considerable patronage in this way in small places of this kind?—I suppose two or three hundred persons are put into the hospitals.

2466. About what number of the constituency do you suppose that they can indirectly affect by this patronage?—I suppose indirectly 200 votes.

2467. Is it this patronage which constitutes the object of being elected upon the corporation, and which consequently justifies the expense incurred for that purpose?—Yes, it is.

2468. With regard to the bribery at the municipal elections, you have described the mode in which that is carried on in some degree; can you state any other mode in which that is done?—When I was a candidate myself, once we wanted to ascertain whether there was any chance of our having an opposition, and we found there was a club of five or six and twenty who combined together, and we paid them a certain sum, and that ensured our election. It is very rarely I have known them combine together as they did at that time, but they remained so for three years.—[Mr. *Staff.*] Sometimes 25 freemen will combine together and say, "before we vote we will have a certain sum amongst us:" the elections are conducted upon such nice principles, that they know within one or two whether they can carry the election, and, therefore, when it comes to a certain part of the day it is known that those 20 men are upon sale, and of course either party who will make the best bargain for the 20 can obtain the election, and very large sums have been given near the close of an election.—[Mr. *Edwards.*] In one case I have known seven men that combined together that got 70 *l.*

2469. How long did the election last?—The city is divided into four wards, and the election is decided in one day.

2470. Is the state of the poll made known during the progress of the election?—

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[Mr. *Staff.*] Not by the returning officer, but the parties themselves keep an account of the poll, and can tell the number every ten minutes.—[Mr. *Edwards.*] And they can tell the number of men that will be required to be brought, they keep what is called a variation book.

2471. Do they keep a book which will enable them to calculate at any moment how many voters require to be bought?—Yes; our electioneering practice is, first to make out a list of the promises and a list of those that have not promised, and of those that may be bought.—[Mr. *Staff.*] And then an account current is kept, so that the state of it is known from hour to hour.

2472. Have those books been kept systematically by your party for many years?—[Mr. *Edwards.*] Yes.

2473. Have you found in general that those books have led you to the result that you wished to attain?—Yes; in fact the partisans and the canvassers know them so well that we could tell exactly the number of men in the market, and perhaps I may mention, that at the registration there were about 30 or 40 objected to on both sides.

2474. What was the reason for that?—The reason was, that they were men that they had a great deal of trouble with; they would not be content with the usual market price, but they always stood out for something higher, and they gave so much trouble that they were objected to by both parties, and neither party would defend them before the barrister.

2475. Were they struck off?—They were.

2476. You say that since the Reform Bill there has been no bribery at the Parliamentary elections of the same nature that took place at the municipal elections on your side?—On my side, certainly not; the fact is, I never knew our side go to direct bribery except by chairmen, posse and treating.

2477. The direct bribery on your side in 1832, was entirely carried on at the previous municipal election?—The direct bribery was at the municipal election and at the sheriff's election I have mentioned.

2478. Did you lose the two Members of Parliament for not bribing them?—We did.

2479. Did your opponents bribe?—Yes, they did.

2480. Have you any evidence of that?—There is the evidence of a man of the name of Pegg and others upon that subject.

2481. Could that bribery be traced to the candidates so as to affect their seats?—No, it could not.

2482. Is it within your knowledge that by the adherents and partisans bribery was carried on on the other side?—To an enormous extent; I am certain, from my knowledge of the constituency, that unless they had had a very strong influence indeed, they would never have done it.

2483. Do you know what the gross amount of the variation was between the municipal election in August and the Parliamentary election afterwards?—I know the amount of the variations against us from our canvass; we will take the canvass in July, and the election was in December 1832, and the variations against us were 747.

2484. Have you any means of stating what the variation was between the municipal election and the election for Members of Parliament?—The books have not been dissected for that purpose, but I can fill it up by searching the books.

2485. From that variation and from what you have heard from other persons, do you believe that bribery like that which your party practised at the municipal election was practised at the Parliamentary election in 1832, by the other party?—Yes, there is no doubt of it; it never has been disputed by either party.

2486. Now with regard to treating; what has taken place within your knowledge as to treating at the general elections?—We had a great deal of treating as well as they had in 1832; but at the last election we had none whatever.

2487. Was there any proposition made, that there should be a sum spent in bribery and treating at the last election?—There was no proposition further than this; that after we had taken our canvass, and the candidates had declared that they would not spend any thing, it was said, "Here is a book called the unmarked book," and there is no doubt that a day or two before the election, if they had had the desire to do so, and employed the ways and means to do it, they could have bought it.

2488. A suggestion was made that it might be done, and it was declined by the candidates on your side?—It was hardly mentioned to the candidates; they came in with

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with the full intention of spending nothing, which is a very good way in our town to lose the election.

2489. With regard to the treating which you say your party did adopt at the election in 1832, in what way was that carried on?—It was on both sides previous to the teste of the writ, and after that, our opponents said they had no committee whatever, and that it rested with the partisans and adherents, and the houses still remained open; the fact is, that all the houses were open for electors of every kind to go to, but of course it could not be brought home to the agent or to the candidates; but the treating was as much there as ever—I know that.

2490. Was it also done by your side by the partisans and adherents?—It was not done on our side at all after the writ came down; but previous to that, we issued handbills, that certain houses in such interest will be open this evening, and then we sent a person round to every elector, and left him a ticket, stating that they must go to certain houses; and on the next day the tickets are brought to be paid, and sometimes we cannot confine the men to the tickets; shilling tickets are what we open with generally, and sometimes we give them suppers; and then perhaps the house is open again the next night.

2491. After the teste of the writ, do the electors continue to frequent the same houses to which they have been formerly ticketed?—Not always; the houses are open generally; but they go to some one of the opened houses.

2492. Is there an understanding between the publicans and the committee, that they would be paid afterwards for whatever those persons eat and drink?—Sometimes a person is put as a check over a house, to see that none but freemen and electors do partake of it.

2493. Has that gone on after the teste of the writ?—It has gone on upon this ground, that they are non-resident voters, that the houses were opened for them, and then the resident voters would go to those houses. At the election in the year 1831, for houses in the town, we paid 2,568*l.*

2494. Have you an account of the expenses of the election?—There is an account for two elections, both in 1830; one was in June, the second was upon Mr. Robert Grant being made Judge-Advocate; there was no opposition; but the men still got their head-money.

2495. Upon the same principle that head-money is given by the successful candidates at the municipal elections?—Yes.

2496. What limit is there to your payment when there is no contest; do not many come and claim payment that would have voted against you?—We then go by how they voted at the last municipal election, and then it remains over to see how they voted at the next municipal election.

2497. The municipal election is a test of their disposition to vote at the Parliamentary election?—Yes.

2498. It appears that the whole amount for those two elections in 1830 was 10,000*l.*; it appears the posse and chairmen are 609*l.*?—Yes; that is without the sheriff's posse and the sheriff's expenses, 336*l.*—[Mr. *Staff.*] That is only half of it; the losing candidates paid the other half.

2499. Were the expenses of the sheriff's election considered as expenses incurred at the general election?—[Mr. *Edwards.*] A candidate was put up, and he would not give the men any thing to drink, and that, coming at the eve of the general election, was considered part of the expenses of the general election.

2500. Then there is a sum of 2,500*l.* charged for out-voters; was that expended in conveying and treating the out-voters?—Yes.

2501. Then there are freemen and expenses about 2,000*l.*?—That is the head-money; there is a deduction of 630*l.*, and the remaining part was paid in sovereigns for voting for both candidates.

2502. In 1830, when there were two elections, did you pay any head-money?—No, I think the head-money has not been paid since.

2503. Has it been the practice for candidates who were beaten to pay head-money to their voters?—No, that has not been general; we have paid it.

2504. When one party does not think it proper to have a contest for a municipal office, or for a Member of Parliament, does it still pay its partisans any thing?—Sometimes it does; if there comes on an election for a municipal officer in the same ward, if they have the means to make an opposition for that officer, they must then go back and pay them; but if it goes on to another year, they do not pay them.

2505. Does not it operate as a great disadvantage to a party not having a contest

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test on every possible occasion; do not the voters feel that it is very bad policy for them to belong to a party which does not bribe them at every successive election?—Yes, they get dissatisfied; and if they go on any length of time, the men themselves will make an opposition; but unless they are paid, there never is any serious contest.

2506. Is not the result of this system almost always to produce a contest, in order that the voters may get paid?—Yes.

2507. Is the canvass of the freemen, that is, the corrupt part of it, carried on between individual and individual, or with the freemen assembled in masses?—Between individual and individual.

2508. Do you think that it is easy, by the mode which you adopt in carrying on bribery at the municipal elections, to evade the law which attaches penalties only when the bribery can be traced to the agents of the candidates?—Yes, I think it does. The fact is, that if there is a general election, at which neither party chooses to bribe, and the men become dissatisfied, you can then, at the next municipal election, pay them for the general election.

2509. Do the municipal elections afford an opportunity not only for bribing the men beforehand, as a sort of retaining fee, but for afterwards keeping them in check by the expectation of their receiving a reward for their votes at the Parliamentary election, by the payment at the next municipal election?—It has been done, and it is so now, I have no doubt; being losers, we have not paid.

2510. Do you think that the system that prevails there, of coupling the two elections, enables you to cloak the contract which has taken place at the Parliamentary election, by the payment in fulfilment of the contract, as for the municipal election?—Yes, I do. I have no doubt the election might be obtained in this way. The parties would say, "We cannot give you any thing for the general election; if you choose to trust to us, we shall have a contest for sheriff, or we shall have a contest for mayor, and we will treat you then as well as the others do."

2511. How would you bribe the 10*l.* householders?—We could not bribe the 10*l.* householders in that way, but there is always such a proportion of men to be purchased in this way, that would always swamp the householders and the freeholders.

2512. What do you think would be the effect upon bribery, of the votes being given secretly?—I think there would be some advantage; but the system has got to such a state, that they would then bribe upon the result.

2513. Would that be as easy as to bribe in individual cases?—I think not, unless they found that they could not be satisfied in any other way.

2514. Could the same system be carried on that you now carry on by means of the variation book?—No, it would stop that.

2515. If you bribed upon the result, should you have to offer the men a much larger sum?—I think they would bribe collectively; we should not bribe individually. Then, perhaps, a club would get together.

2516. Would that be more liable to detection than the present mode?—I think it would, but I do not know that it would, for this reason, that the negotiation would be with one individual, instead of now being with each individual. If we were to bribe upon the result, they would form a sort of union, and we should have an agent upon our side, who would correspond with the other.

2517. If you bribe upon the result, only the successful party would pay?—I think they would bribe upon the result both ways; they would give something, and that, if they succeeded, they would give so much more.

2518. What do you think the result of secret voting would be, with regard to persons indirectly bribed by being appointed as flagmen and chairmen, and the persons bribed by places in the corporation?—I do not see how they could go into individual cases then.

2519. Could they carry on the bribery which is now carried on by means of this patronage, by masses collectively?—No, I do not think they could; they are all cases of individual bargains.

2520. Why, do you think it would be necessary to carry bribery collectively, if they were bribed on the result?—I think it would be easily done.

2521. What would be the difficulty of going to a man, and saying, "I will give you so and so, or I will make you a flagman, or I will give you a place in the hospital, for your vote for Mr. A. and Mr. B.," and going to him, and saying, "I will give you this money if Mr. A. is returned?"—We should have no means of knowing how it was, and if we got a great number combined together, we should say, "If this

this combination vote as they profess to do, we shall be sure of carrying the election."

2522. If there were more than one of those little unions, how should you know which it was that played you false?—We should not know, unless it was from the result; it would all be dependent upon the result.

2523. Would not those persons themselves be unwilling to enter into a bargain of that sort, unless they knew that there were a good many other persons willing to enter into it too?—I think they would. Of course, the partisans then would see which was the best way, and would devise the best plan of bribing. Some men I would trust, if they would promise me their vote, although their circumstances were needy, because I think they would keep their word.

2524. Suppose a man's honesty to be wavering, and that he was not an habitual receiver of a bribe, might not it make a difference in his disposition to make a bargain, its being so uncertain, as it would be under the system of bribing upon the result?—Yes, it would be much more difficult.

2525. So that there might be many voters that would consent to be bribed now, that would not consent to be bribed in a circuitous mode?—Yes, there certainly would be more difficulty in it by secret voting, though it would not be entirely obviated.

2526. Do you think that the plan of bribery by clubs would be had recourse to under the ballot, in order that the different Members might keep a greater look out over the votes than the party in general could do?—I think it would where the constituency is so large; I do not think that persons would take the chances of bribing individually when they could not tell how the person would vote.

2527. Are there many appointments under the corporation which are not appointments for life, which are removable at the pleasure of the chief magistrate?—A great many.

2528. In those cases is it the practice for the new chief magistrate to remove or to retain those persons?—Always to remove them if he is of different politics, and when the chief magistrate is elected, he gives that patronage to the party he is of; with respect to the police of the city, it is so. The corporation of the city choose the whole of the police.

2529. Are any of the persons who are in the almshouses or receive charity from the corporation removable at the pleasure of the corporation?—None, except for bad conduct.

2530. With regard to the payment of the publicans, is it usual for the publicans to apply to have their houses opened?—Yes.

2531. Is that a species of bribery?—It is a species of bribery to the publicans; they make it a condition of voting that their house shall be opened, and if they have no men to go in their houses, they expect that you will send a certain number to spend money at their houses, so that they may have a bill.

2532. What is the meaning of the expression of cooping electors?—Cooping is not carried on as it was formerly; cooping is sometimes voluntary, sometimes by compulsion; when we were fearful of losing the men, we have sent them out to a house in the country, and kept them there till the morning of the election.

2533. Well fed?—Yes, well fed; and perhaps in a state of intoxication.

2534. Is that practice diminished by shortening the duration of the election?—There is no shortening of the duration of our election; I am speaking of the municipal election, and I believe it was dropped on account of the enormous expense; we found it much cheaper to give it up; sometimes those men, after being cooped, were lost on the morning of the election.

2535. Does the bribery increase towards the latter part of the day?—Yes.

2536. Is there much bribery at the elections for Members of Parliament on the night that elapses between the two days of polling?—I never knew any direct bribery for Members of Parliament before the election of 1832.

2537. Was there a great deal of bribery on the night of the first day on that occasion?—I should think none; all our elections have been decided the first day.

2538. What was the majority on the first day?—At the close of the first day about 200.

2539. How many were left to poll?—Not above 500 or 600, and those about equally divided.

2540. Do you think that if the election of Members of Parliament was limited by law to one day as the municipal elections appear to be in practice, there would be less bribery than there now is?—There would be less opportunity of bribery, because

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because if both parties were determined to bribe at an election, and they came near the first day, and if it was known that the contest was sharp, you would have the bribed men standing out for the result.

2541. Do not you think that if the election was limited to one day, the bribery would increase towards the end of the one day?—Yes, I think it would; as far as regards this election, I myself and two or three others knew that the election was lost on the Saturday before the Tuesday, because we had such proof brought us of men being bribed.

2542. You knew that the other side were going to spend money and that you were not?—We knew that they were spending it, both by patronage and by direct payment.

2543. Do not you think it would be a great advantage of the ballot, that the votes on each side not being known till the end of the poll, the bribery could not be proportioned to the wants of the candidate at any particular moment?—You would have no means of ascertaining the numbers during the day; but I think the system has got to that nicety that we are divided into wards, and our wards are divided into parishes, and the parish that I reside in we have about 70 or 80 votes; and if I chose to go and stand at the booth where that parish go to, I could calculate as nearly as possible the number.

2544. That is supposing the polling booths to be divided into small portions?—As they are now.

2545. And that is supposing that the men do not accept bribes against you, but that they kept their promises?—Yes.

2546. How would you know how a man voted?—We should know who had not voted.

2547. It appears by the variation book which you have now shown to the Committee, that many persons who had promised to vote for one side, voted, when they came up to vote, for the other side, and you knew that from hearing their vote, but you could not have known that if the vote had been secret?—No.

2548. Is not that a necessary piece of knowledge before you go to spend 2,000*l.* or 3,000*l.* in bribery?—All we could tell would be the character of the materials of the men left unpolled. In the ward I am in, at one election we were going to have a contest, and we sat down and made a list of the persons that would vote for us, and we then made out a list of those that we dare not mark; there were 500 for the common council, and there were about 80 that we could not mark off at all, and then we devoted our attention to the 80, and bought the majority of that 80, and ensured the election. Now if those 80 remained unpolled on the first day, of course we should know whether they were such materials that we could bribe.

2549. Supposing half those 80 had voted already?—Then we could not tell.

2550. Then you would be in utter ignorance as to the state of the poll?—Yes.

2551. If the poll is subdivided a good deal, by standing at the poll, would you be able to form a pretty accurate surmise as to what the state of the poll would be, from your knowledge of the parties?—Yes, I think I should; but if the contest was to run very near, I could not tell.

2552. Do not you think that you would be able, if you were watching the persons going to the poll, to form a sufficiently accurate surmise to make it of value to the party to publish what they considered the state of the poll, supposing it to be in their favour?—I do not think I could.

2553. Had you done so in that election respecting which you showed the Committee the variation book, should not you have been greatly deceived?—Yes, I should certainly.

2554. You would only know by the promise that the man had made, and by the parties with whom he came up to poll?—Yes.

2555. According to your experience, is not it generally the case, that when a man has promised you and breaks that promise, he goes up with a member of the other party?—Yes.

2556. If it was an object to keep it secret, would a member of the other party go up with him?—No.

2557. What is the object now of the member of the other party going up with the voter?—To see that he votes for him.

2558. Is it not also to keep the other party from canvassing him?—Yes, but that is not always so; because sometimes when we have had men that might be objected to, we have told them to go up with the other colours, to prevent their being objected to.

2559. Are

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2559. Are there a large or a small number of voters that contrive to conceal their votes up to the very last moment?—A small number.

2560. If you think you could form a surmise of the state of the poll with your large constituency, do not you think, in a place where there was a small constituency, it would be easy to do it?—I think so.

2561. How many polling-places have you in your borough?—Twelve, at the general elections; we have six polling-places, and two booths in each.

2562. With regard to other sources of influence in your borough, as to masters and workmen, do the workmen in general vote independently of the wishes of the masters?—Amongst the manufacturers we consider, that if you get the influence of a large manufacturer, you are sure of having the men; in fact, we keep a regular list of the weavers, which form a large proportion of the freemen, and we make out the list and send it to the large manufacturers, and get them to canvass the men, and mark against it; and then the master afterwards would have the book to see that they voted right; and if they had not voted right, he would turn them out of work; and I have had frequent applications made, "If you will get me work, I will vote for you;" a number of men have obtained work under those terms.

2563. Does that create any bad feeling between the masters and the workmen?—To some men who are independent, perhaps it does; of course it is very unpleasant to them to be compelled, and yet if the man has a wife and family, he wishes to oblige his master.

2564. Are there any other classes of men who exercise an influence over the voters?—Yes, I believe the solicitors among the small freeholders use great influence.

2565. From what circumstance does that arise?—They and their clients having mortgages on their property, and one bank in particular has very great influence, because they have mortgages to an enormous extent, and they use that influence generally for their friends.

2566. Do you mean mortgages over the small proprietors?—Over the small freeholders.

2567. Do they hold any power over the tradesmen?—Yes.

2568. From advances?—From advances; and in fact, I have known men withdraw from voting in consequence of the obligation they are under to a bank.

2569. Have you known persons that have withheld their votes, or have been induced to vote in consequence of a feeling of obligation and gratitude?—Very seldom gratitude; more from fear.

2570. Do you imagine that those mortgages were effected with a view to create an electioneering influence?—I think the parties applied to them for mortgages, knowing them to be partisans.

2571. Do you imagine that the bankers were actuated by a wish to procure an electioneering influence?—I think there is one bank in the town that make a rule of lending money to those small freeholders, but whether they lent it for that purpose I cannot say, and I believe they will at the present time advance money to their own friends. With respect to one bank in the town, I have known that when a person came and said "He is pressed by his banker," the other banker said, "If he is pressed, let him vote as he likes, and I will protect him; let him bring his account to me."

2572. Is it your impression that this system of mortgaging was undertaken with a view to securing electioneering influence, or in the ordinary course of banking business?—In the ordinary course of banking business; but I think there is one particular bank that would now advance money for electioneering purposes.

2573. Is there any system of exclusive dealing adopted by either party?—I do not think there is any systematic plan of exclusive dealing; there is a systematic plan of employment in the corporation works; the tradesmen, such as carpenters and others, get a promise of corporation work by voting in such a way.

2574. Do you think that the influence of these bankers, solicitors and masters, which you have described to originate more from fear than gratitude, would be diminished by secret voting?—Yes, I think it would.

2575. Do you think that a banker would not equally say to a man, "Sir, if Mr. So-and-so, is not returned, I will call in my mortgage?"—There are very few bankers that would do that, because that would be no fault of the individual, and

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it would be exercising too much tyranny over a man to say he should be subject to the result of an election.

2576. Do you think that the result of such an application as that to a customer would rather be to dispose him to give his vote against his banker or his solicitor, than to induce him to vote for him if he could do it secretly?—It must depend entirely upon the individual, I could not speak generally as to that; there are some men of course indifferent as to which way they vote.

2577. After an election in your city, is there any considerable amount of bad feeling among the various people who have taken part in it?—No, I think not to any extent.

2578. Is there any large proportion of freemen who have no strong political opinions, and who would under any system of voting give their vote apart from political principles?—There is a considerable number.

2579. Will not those men always give their vote according to some free choice of their own?—If the secret voting would apply to the municipal as well as to the general election; but the seeds are sown at the municipal election, and the candidate expects to reap the fruit at the general election.

2580. Then you think whatever system might be adopted to check bribery at either election, the two are so connected that unless you check bribery at both elections, it would be carried on on one occasion to the account of the other?—Most decidedly.

2581. Do you mean that if a man was bribed for the Parliamentary election, his payment would depend upon his vote at the municipal election?—Yes, his money.

2582. Supposing then the election for one was secret, and the election for the other was not secret, in that case you could not regulate your payment for the one by the other, because you would not know how the man had voted?—I could not calculate with any certainty; it must be merely by exercising influence at the municipal election.

2583. Is there any intimidation in your city by mobs?—I do not think any by the electors.

2584. Do they ever keep electors away from the poll?—Yes, they have done so sometimes.

2585. Are they electors or non-electors that exercise that species of intimidation?—The partisans would get both the electors and non-electors; it must be by a paid mob. I do not think you could get a mob there unless they were paid; they do not work for nothing.

2586. Do you think it desirable that that species of responsibility to the non-electors, which is kept up by the fear of a mob breaking a man's head, should be maintained?—No, I do not.

2587. Do you think it has a tendency to make a man vote more honestly or purely?—No; there has been very little of it with us, except in disputes between the parties.

2588. To Mr. *Staff.*] Is there any thing you wish to add to what Mr. Edwards has stated?—There is nothing particular; I agree with him generally. With respect to the loans he referred to by solicitors, I think in some instances they were made to partisans exclusively, as a return for what the party might have done at the previous election, but of course not in a general way of business.

2589. Have you ever known bribery carried on in the shape of loans?—[Mr. *Edwards.*] Yes.

2590. Both at Parliamentary elections and at municipal elections?—Both.

2591. Is that a species of bribery which is easy or difficult to carry on without fear of penal consequences?—It is very easy to carry on. I wish to suggest as to the offence of bribery, that the penal statutes should be repealed, and that the party offending should be indicted, and the expenses attending it be paid out of the county rate. No indictment to be tried at the local sessions but before a judge of assize.

Mercurii, 3° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Owen Owen Roberts*, called in; and further Examined.

Mr. O. O. Roberts.

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2592. WHEN you were examined before, you were requested by the Committee to produce some documents; have you got them?—I have.

2593. Are those papers which you now produce, papers with reference to the Carnarvon Harbour trust?—Yes.

2594. Have you the advertisement that was put up in consequence of that resolution?—Yes.

[*The Witness delivered in the same, which was read, as follows:*]

"NOTICE.

"To Masons, Carpenters, Stone-quarrymen, Bargemen and others.

"AT a Meeting of the Trustees of the Carnarvon Harbour, held this day,—It was Resolved, That the present works carrying on at the New Pier be immediately suspended, and that no person whatever be hereafter employed by Mr. Robert Roberts, Surveyor, but under the written consent and approbation of the Committee for its erection; and that all monies for that purpose be paid only by their written order.

Chairman."

2595. How are the trustees of the works appointed?—There are some *ex officio*, all county magistrates; others are elected.

2596. How are the funds raised out of which those parties were to be paid?—By harbour dues on goods, and on vessels passing through the Straits of Menai.

2597. Under Act of Parliament?—Yes.

2598. Of what persons were the committee composed who were to give the written order?—They were all of them, except one, committee men for one of the candidates.

2599. Who is Mr. Simeon Boileau?—He is an Irish gentleman resident at Carnarvon; a strong party man.

2600. Was he one of the candidate's committee?—Yes.

2601. Was this notice put up shortly before the election?—It must have been printed ready before the meeting, for it was put up the instant it broke up, only two days before the election; it was put up upon the Tuesday, and the first day of polling was upon a Friday.

2602. What was the effect of sticking up this notice?—It produced no effect, except upon one person; there was only one vote that was influenced by it.

2603. In what way was he influenced?—He had promised a vote for one candidate, and he voted upon the other side.

2604. How do you know that he was influenced by this?—He told me so himself.

2605. Was he apprehensive that if he voted otherwise he would lose the work?—He would not get it.

2606. Did he get it?—There was no money forthcoming.

2607. Then he never did get it?—No; he is employed in another place now.

2608. You were also requested to produce the standing orders of the harbour trust; have you a copy of them?—Yes.

[*The Witness delivered in the same, which was read, as follows:*]

"AT the adjourned Meeting of the Trustees of the Harbour of Carnarvon, held at their Committee-room, on Tuesday, the 12th day of May 1829, Rev. Mr. Trevor in the Chair,—Ordered, That in future no Orders, which shall have been regularly made and entered on the book, shall be revoked, unless by a greater number of Trustees than that by whom it was made; and that notice of every motion to revoke such Order shall be given, one month at least previous to making it, and that the Clerk shall post notices, and specially summon

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summon the Trustees resident; that in future, the names of the Chairman, and all the Trustees present shall be entered in the first minute of the proceedings of any Meeting.

" (signed) *J. W. Trevor,* Chairman, J. P., *Jones Parry,* R. N., *O. O. Roberts, William Griffith, William Williams, Owen Owens, David Rowlands, William Titherton, John Thomas, Owen Jones, Griff. Jones, William Lloyd Roberts, William Williams, William Potter, William Owen.*"

" At an adjourned Meeting of the Trustees of the Harbour of Carnarvon, held at the Guildhall, on Tuesday, the 19th day of June 1832,—Ordered, That the New Pier at the Bell Tower be forthwith proceeded with, under the superintendence of the Surveyor, according to the plan now produced, he employing such persons and paying such price per cubic yard, and taking such other measures for the proper completion of the work as he shall deem proper.

" (signed) *O. O. Roberts, Richard A. Poole, Ed. Evans, D. Rowlands, Joseph Jones, Robert Jones, Thomas Jones, Ed. Parry.*"

" At a monthly Meeting of the Trustees of the Harbour of Carnarvon, held at their Committee-room, on Tuesday, the 6th of January 1835,—Resolved, That the sum of 500*l.*, now offered by Major Nanney to this trust at interest, be accepted; that the Committee appointed for superintending the erection of the New Pier be authorized to add to their number; that the present works carrying on at the New Pier be immediately suspended; and that no person whatever be hereafter employed by Mr. Robert Roberts, Surveyor, but under the written consent and approbation of the Committee for its erection; and that all monies for that purpose be paid only by their written Order.

" (signed) *Sim. Boileau,* Chairman, *William Roberts, William Turner, William Griffith, John Rowlands, Thomas Jones, William Williams, W. R. Jones, William Jones, Henry Morris, William Owen, William Turner,* junior, *Joseph Jones, Owen Griffith, Robert Jones, Benjamin Smith, R. Humphreys.*"

" At a monthly Meeting of the Trustees of the Harbour of Carnarvon, held at their Committee-room, on Tuesday, the 3d day of March 1835,—Ordered, That the Clerk be directed to write to Major Nanney, stating that the Trustees are prepared to receive and to give security for the 500*l.* by him proposed to be advanced on mortgage to the Trust.

" (signed) *Sim. Boileau,* Chairman, *William Potter, Joseph Jones, George Johnston, Richard A. Poole, William Turner,* junior, *William Lloyd Roberts, George Billiss, William Owen, Robert Jones.*"

" At a quarterly Meeting of the Trustees of the Harbour of Carnarvon, held on Tuesday, the 7th of April 1835, at their Committee-room,—Ordered, Mr. Poole having read Major Nanney's Letter to Mr. Robert Roberts, (the Clerk,) of the 9th March, Mr. Poole's Letter to Mr. H. R. Williams, of the 12th March and the 4th April, and Mr. H. R. Williams's Letter to Mr. Poole, of the 4th of April,—Ordered, That Mr. Poole write to Mr. H. R. Williams, referring him to the Harbour Acts, under which it would appear that the Harbour Trust have not the power of making any specific contract for repayment of principal money borrowed on mortgage, upon notice given by the mortgagee, as mentioned in Mr. Nanney and Mr. H. A. Williams's Letters.

" (signed) *Sim. Boileau,* Chairman, *William Turner, Thomas Jones, Thomas Prichard, J. Millington, D. Rowlands, J. Jones, Joseph Jones, Richard A. Poole, Robert Jones.*"

2609. You conceive the order of the 6th of January 1835 to have been in violation of the previous order of the 12th of May 1829, which required notice?—Yes.

2610. Had you received any notice that this was to be proposed?—No.

2611. And you are a trustee of the harbour?—Yes.

2612. Is Major Nanney connected with the town?—He is a trustee of the harbour.

2613. What was the day of election?—The nomination was on the Thursday, and the Friday and Saturday were the polling days, and it was on the Tuesday preceding the election that the order was made.

2614. Has that work been let since?—There are no funds.

2615. Then are the works stopped entirely?—They are stopped, because they were paid by the surveyor before, under an order; and that order having been rescinded, we cannot get a party to carry on the works.

2616. Who supplied the money for them up to that time?—They were paid by the tolls.

2617. Who gave the surveyor the money to distribute to the men that did the work?—The treasurer of the trust.

2618. By order of the trustees?—Yes.

2619. How

2619. How do you know that the works were not stopped in consequence of want of funds?—I am perfectly aware of it.

2620. At the time this advertisement was put up, was it the impression of the trustees of the harbour that they had 500*l.* offered them to go on with?—It was.

2621. Was that the general impression in the town, that there was 500*l.* about to be advanced by Major Nanney towards the completion of the works?—It was generally believed so. I did not believe it, for I saw through the trick.

2622. Was Mr. Boileau Major Nanney's chairman?—No, Joseph Jones.

2623. You say there are no funds for carrying on the works; what is done with the tolls?—There are funds; but when you let a work by contract, you must have the money ready.

2624. Do they now let the works by contract?—No, they are completely stopped.

2625. Then what becomes of the money?—That accumulates in the bank.

2626. Has no work been done?—Not to any extent. What was attempted to be done under that order, after suspending the surveyor, was putting up some fenders, which was done so inefficiently, that the tide carried them away immediately.

2627. You were understood to say, that a notice was given that no money was to be paid, except by the chairman of Major Nanney's committee?—I do not say by Major Nanney's committee; I mean to say, that Mr. Jones had virtually the letting of the work; at least he represented that he had the doing of it.

2628. Look at the notice again, and see if there is any thing of the sort; any notice that Mr. Jones is to be the person to pay the money?—No.

2629. Then how came you to tell the Committee that Mr. Jones, the chairman of Major Nanney's committee, was announced to be the only person that would give payment?—He said so himself.

2630. Was Mr. Jones a member of the committee of trustees by whom those payments were to be ordered?—Yes, he was the acting one.

2631. Are not you a trustee?—I am a trustee, but I had no power over it; I am not one of the committee.

2632. Were the committee appointed by the majority of trustees?—The original committee were, but then they took power to add to their number, and so got in Major Nanney's friends.

2633. Are they all committee-men?—Yes, with the exception of one.

2634. Was he one of the new committee that were added, or one of the original committee?—I do not know; his name is William Roberts, and there are several of that name.

2635. Was this committee added by the trustees without notice?—The adding to their names was; and the suspending the works was without notice, and contrary to the standing order and usual practice.

2636. Adverting to the election for the Carnarvon boroughs, have any instances of intimidation come within your knowledge by which the votes of the freemen or inhabitants were influenced?—A great number.

2637. Can you state any of them?—Yes, I can state an instance of a very extensive land proprietor stating that any tenant of his that did not vote in a certain manner should be discharged; that any labourer employed in his numerous works would also be turned off, and that any sailors that did not so vote would never get any freight in his wharf with the slates.

2638. How was that stated?—First of all I heard that it had been stated in Major Nanney's committee; it was a general rumour in town, and spread about by this gentleman's agents. I heard that he had said the same thing at the committee in Bangor to an individual, and that in consequence that individual left the committee, and I went and asked him whether that was the fact that he had done so.

2639. Whom did you go and ask?—I went and asked the person to whom it had been said.

2640. What situation of life was he in?—A wealthy tradesman.

2641. In what business?—In general trade.

2642. How came he to hear those expressions used?—Mr. Smith sent for him to the committee, and wanted him to act as chairman, and he in reply said that he did not feel that interest in the election to do it; and when the gentleman made use

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use of these words to him, that he would treat those that were neutral in the same way, he stated that he thought the language so unconstitutional and illegal, that though he had intended to vote for Major Nanney, he would not do so.

2643. Have you any other reason for knowing that this declaration was made by the gentleman you referred to, besides what you heard from this person?—I heard it as a general rumour, and I know a great many tenants that his agents went to, and stated the same determination to them.

2644. Do you know that from the tenants themselves?—I do, and that the agent was standing at the hustings, and that one individual, when he was going up to vote, the agent said to him, "Mind what I told you, and see what you are doing, for if you vote in such a way, you will certainly lose your farm." The man did vote contrary to that interest, and he told him in coming down, "Now mind and see, you will rue what you have done."

2645. Who heard that?—It was a general thing, open at the hustings.

2646. Did you hear it?—No.

2647. Can you state the names of the persons that you have referred to?—I can; Richard Morris Griffin was the person at Bangor, to whom the declaration in the committee was made.

2648. Who was the man that was told on the hustings that he would lose his farm?—A man of the name of Robert Roberts.

2649. Did he lose his farm?—I am not able to say; there is no time for notice yet. I know a person that was noticed to quit in consequence of his vote at the former election, and had his land again this time in consequence of voting the other way.

2650. Can you mention any persons who overheard what passed between the agent and Mr. Robert Roberts?—Sir David Williams, of Pwllheli; I wrote to him lest I should be under any mistake about the terms, and he wrote to me saying, "Mr. A. Smith's agents carried intimidation in this neighbourhood as far as any men could, during and previous to the last election for these boroughs. Mr. Evans, his resident agent here, repeatedly intimidated one of the tenants in particular, who was a strenuous supporter of Colonel Parry, and told him repeatedly that the consequence of his voting for the Colonel would be the loss of his land; and when he was in the part of the hustings going up to the poll, he said to him, 'Now, Robert Roberts, mind what you are doing, and recollect what I told you;' and after he polled, in his way back he said to him again, 'You will see, and rue the consequence.' This, observe, was done openly and publicly, and in the hearing of other tenants of Smith's, who had not voted and *did not vote*, though they had promised and had intended to vote for Colonel Parry."

2651. Do you know of any other cases?—Generally speaking, it was universal among the landlords in the Tory interest; there was one instance of a gentleman of great landed property taking the names of the persons as they polled.

2652. Have you had any communication with any of that person's tenants?—It was a general statement that he was doing so, and they declared that they were obliged to vote on that side in consequence of that, and the result was that in Bangor, where there was a majority upon our side of 52, instead of having that majority, there was either 16 or 17 upon the other side in consequence of this conduct.

2653. Had his presence upon the hustings and taking the names the effect of alarming the tenantry, and inducing them to vote one way?—Certainly.

2654. Had he a numerous tenantry?—Very numerous.

2655. To what extent?—Landed estate, and a very extensive slate quarry works, in which a great many men were employed.

2656. Are those men burgesses?—No, it was the 10*l.* householders. There was another instance of a gentleman's tenants, 10 or 12, that had promised to vote, and an agent of the other party went there, and though they had promised to vote upon one side, they were every one induced, by something that passed between the agent and them, to vote on the other side.

2657. You do not know what passed between the agent and them?—I do not; I only know that they had voted contrary to what they had promised, and they regretted afterwards that they had been obliged to do so.

2658. Did they tell you afterwards that that was the reason?—Yes, some of them told me so.

2659. Are

2659. Are there any other cases that have come within your knowledge?—I saw a person, who I believe was high sheriff at that time, go and take a tenant on an estate where he was trustee, and the tenant had promised to vote on one side, and he took him bodily by force to the other booth, and passed him off upon the other side.

2660. Was there a general feeling in the place after the election that it had been effected by means of this sort?—Undoubtedly.

2661. Were there any declarations made by any persons in a conspicuous situation in the county or in the borough, that they had been witness to very great intimidation?—Sir Richard Bulkeley, at the Anglesea election, declared upon the hustings, that from the scenes he had witnessed within a short time in Bangor, it had made him a convert to the ballot.

2662. Did you hear him say so?—I did.

2663. Did Sir Richard Bulkeley say that that was in consequence of what he had seen at the Caernarvon boroughs?—Yes.

2664. Have you any thing else to state to the Committee?—I know many cases where persons, in consequence of their not having voted contrary to their own opinion or principles, were discontinued doing business with.

2665. Can you describe the manner in which that has been done?—A person who has been always in the habit of supplying them with certain goods has been told, "Now unless you will vote so-and-so, you will get no more of our support and patronage."

2666. Do you know any persons to whom that was said during the election?—I do; I know a man who was in the habit of supplying coal to a gentleman's establishment, and in consequence of his vote he went to another person who voted the other way; it was stated to him that that would be the consequence if he did so.

2667. How did you know that?—He told me so himself.

2668. When did he tell you so?—Both previous and subsequent to the election; I made a point of seeing him the last day before I left, to know whether that determination had been persevered in.

2669. What is the name of the party?—The coal merchant's name is William Jones, of Towyn.

2670. Do you know many other instances of the same nature?—I do, a number.

2671. Upon the personal assurance of the person who was so affected?—Yes; I am sure there were no less than 400 votes that were influenced by such means.

2672. Out of how many votes?—I should think eleven or twelve hundred.

2673. Were there many that did not vote at all?—A great number; that was one great method adopted by keeping persons away.

2674. Do you know what number voted at the election?—The constituency is about 1,100.

2675. And how many voted?—I cannot say.

2676. Were there many persons who told you in your canvass that they would rather not vote, but that they would vote if it became important?—Yes; there were many stated when it was going on that they would certainly vote, but that they knew it would be their ruin, and that if they could do without them they would be very glad.

2677. Did any of those persons vote?—Some of them did; but we kept back the great bulk of them that we knew would be affected.

2678. And you did not require their votes in consequence of what you presumed would be the effect of their voting?—Yes; I took the responsibility of it upon myself.

2679. Have you any thing further to add to the evidence you have given?—I think that is in substance the whole; the great thing we complain of is, the undue influence that is used, which completely extinguishes all freedom of election with us.

2680. You are a strong partisan?—I am.

2681. Did you second Colonel Parry?—I did; I mentioned the other day that I was not aware of any cases of intimidation whatever pursued upon our interest; my reason for stating so is, that I publicly charged the other party with doing it, and defied them to produce a single instance in which it had been done on our side.

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2682. You stated that you are a surgeon; how long have you been in that business?—These 20 years.

2683. Without interruption?—Yes.

2684. Have you taken the benefit of the Insolvent Act?—I have, and I will state how it happened; I took my father's debts upon me, and I had his own estate entailed upon me; I made myself responsible for his debts, and sold every scrap of the land to pay off his debts; he had been very liberal to me in giving me a good education, and there was a large family of us.

2685. Are not you always tolerably strong partisans in Wales?—Latterly we have got on pretty well till these means were used.

2686. Had you never heard of violent means used before at any Welsh elections?—Yes; I remember 200 or 300 quarry men brought to town for the purpose of intimidation; I know that upon several occasions the quarry men were sent down by a certain party.

2687. Did you ever hear of any intimidation being exercised by what are called the liberal party?—Not with us; I have heard of it in other places, but not amongst us.

2688. Are you acquainted with Mr. Smith's estate?—Yes.

2689. Do you know whether a great many of his tenants have been a long time or a short time upon his property?—Some have been a long time.

2690. Have not his tenantry been a long time upon his property?—He has not been a long time in possession of it.

2691. Have they been a long time or a short time upon his estate?—Much the same as upon other estates.

2692. Can you state whether they have been there a long time or a short time?—I believe generally the same as any other estate in the country.

2693. Is that a long or a short time?—Generally a long time.

Jovis, 4° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *James Terrell*, called in; and Examined.

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2694. YOU reside in Exeter?—I do.

2695. Have you been conversant with the Devonshire and Exeter elections?—I have been engaged in the whole of the elections for the county of Devon since 1816, and in 1830 and since have had the principal management.

2696. Have you since the last election compiled any papers illustrative of the course which the votes took under different influences?—I have prepared an analysis of them; there are seven districts in the south of Devon; I have extracted the votes from the poll-books and the check-books, and compared them with the registry, and have divided them into freeholders and leaseholders, and have then divided them as to those who voted for Lord John Russell and those who voted for Mr. Parker.

2697. Have you also divided them into parishes or townships?—I will put in the lists, and explain them if the Committee should desire.

[*The Witness delivered in the following Papers* (A.) *and* (B.), *and explained them to the Committee; he stated that there appeared some slight discrepany between the result of the additions and the statement in the newspapers, but it was unimportant, and that the analysis was substantially correct.*]

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(A.)

EXETER DISTRICT.

PARISHES.	Number of Freeholders who voted for Lord J. Russell.	Number of Freeholders who voted for Mr. Parker.	Number of £.50 and other Leaseholders who voted for Lord J. Russell.	Number of £.50 and other Leaseholders who voted for Mr. Parker.	Number of Voters disqualified by Sale of Property, since Registration, or otherwise.	Number of Voters who omitted to poll, though in England.	OBSERVATIONS.
Ashton	–	2	2	12	–	–	
Ashcombe	–	1	5	–	–	1	
Alphington	5	16	12	28	–	12	
Aylesbear & Newton Poppleford	3	10	1	11	–	6	
Bridford	–	8	–	4	–	–	
Broadclist	1	19	5	33	–	14	
Brampford Speke	1	12	–	7	1	1	
Bicton	–	1	–	3	–	–	
Christow	7	9	2	6	–	2	
Cheriton Bishop	1	11	2	14	1	6	
Clist St. George	3	3	4	2	–	3	
Clist St. Mary	–	3	2	1	–	2	
Clist Honiton	–	3	1	13	–	2	
Clist Hydon	1	5	1	7	–	2	
Clist St. Lawrence	–	1	–	5	–	–	
Colaton Rawleigh	–	7	–	22	1	4	
Dunsford	–	9	1	24	1	5	
Dawlish	31	41	6	13	–	15	
Doddiscombsleigh	1	4	5	4	–	1	
Dunchideock	1	1	–	4	–	–	
Exminster	1	13	1	24	1	6	
East Budleigh	19	7	33	28	–	9	
Farringdon	–	6	2	5	–	1	
Heavitree	6	8	2	7	1	10	
Holcomb Burnell	–	1	–	8	1	1	
Huxham	–	–	5	–	2	–	
Ide	4	3	3	9	–	1	
Kenn	1	21	–	13	1	6	
Kenton	–	3	13	30	1	9	
Lympstone	8	25	–	3	–	6	
Littleham & Exmouth	6	7	17	41	1	15	
Moreton	34	17	8	9	–	7	
Mamhead	–	3	–	–	1	–	
Pinhoe	6	8	–	3	1	1	
Poltimore	–	–	6	1	1	–	
Powderham	–	3	–	2	–	–	
Rewe	–	–	2	2	–	3	
Rockbeare	3	9	2	7	–	1	
Shillingford	–	–	–	2	–	1	
St. Thomas	10	12	3	8	–	3	
Sowton	1	4	–	6	–	5	
Stoke Canon	–	3	–	14	1	2	
Tedburn St. Mary	–	15	3	15	1	2	
Trusham	–	2	–	3	–	1	
Topsham	43	32	9	5	–	15	
Upton Pyne	–	12	1	8	3	2	
Whitestone	8	4	6	6	–	4	
Woodbury	5	22	8	29	1	8	
Withycomb Raleigh	6	8	16	9	–	8	
	217	411	189	510	21	203	

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OKEHAMPTON DISTRICT.

PARISHES.	Number of Voters in 1833, registered.	Number of Voters registered in 1834.	Number of Voters polled.	Number of Voters incapable of coming to poll.	Number of Freeholders who voted for Lord J. Russell.	Freeholders who voted for Mr. Parker.	£.50 and other Leaseholders for Lord J. Russell.	£.50 and other Leaseholders for Mr. Parker.	Voters disqualified.	Voters who omitted to poll.	Voters dead since Registration.	OBSERVATIONS.
Bratton Clovelly -	32	34	32	–	7	16	5	4	–	2	–	
Bridestow - -	27	20	19	–	3	1	15	–	1	–	–	
Broadwoodwidger	37	36	30	1	11	5	8	6	–	4	1	
Chagford - -	40	44	35	–	14	11	1	9	2	6	1	
Drewsteignton -	32	33	27	–	2	12	2	11	–	6	–	
Gidley - -	5	5	3	–	1	1	1	–	–	2	–	
Germansweek -	3	6	5	–	1	1	1	2	–	1	–	
Hittisleigh - -	12	13	13	–	4	7	1	1	–	–	–	
Lydford Forest Quarter	17	14	12	–	–	–	3	9	–	2	–	
Lewtrenchard -	16	14	8	–	–	1	3	4	–	6	–	
Lydford - -	14	13	13	–	4	–	8	1	–	–	–	
Okehampton -	56	55	48	–	11	14	11	12	–	6	1	
Southtawton -	64	66	56	1	31	10	12	3	–	8	1	
Spreyton - -	13	14	14	–	9	3	2	–	–	–	–	
Sourton - -	21	22	21	1	5	–	16	–	–	–	–	
Stowford - -	4	9	9	–	–	2	1	6	–	–	–	
Throwley - -	11	13	8	–	7	1	–	–	–	5	–	
Thrushelton -	22	19	14	–	2	2	8	2	–	5	–	
Virginstow - -	4	4	4	–	–	3	–	1	–	–	–	
	430	434	362	3	112	90	98	71	3	53	4	

HONITON DISTRICT.

PARISHES.	Number registered in 1832.	Number registered in 1834.	Number polled.	Dead, and incapable of coming to poll.	Freeholders voting for Lord J. Russell.	Freeholders voting for Mr. Parker.	Leaseholders, &c. voting for Lord J. Russell.	Leaseholders, &c. voting for Mr. Parker.	Votes unpolled.	OBSERVATIONS.
Axminster - -	64	71	49	11	15	12	14	8	11	
Axmouth - -	22	24	21	2	7	4	7	3	1	
Branscombe -	9	12	8	–	–	1	2	5	4	
Combpyne - -	2	2	2	–	–	1	1	–	–	
Comberawleigh -	7	8	7	–	–	1	4	2	1	
Colyton - -	83	98	83	7	41	12	26	4	8	
Cotleigh - -	10	10	9	–	2	2	2	3	1	
Dalwood - -	34	36	30	1	6	7	12	5	5	
Farway - -	10	12	10	–	–	1	–	9	2	
Gittisham - -	16	19	14	1	–	4	–	10	4	
Harpford - -	8	11	9	–	1	5	–	3	2	
Honiton - -	64	73	67	3	22	44	–	1	3	
Kilmington -	7	7	5	–	3	2	–	–	2	
Luppitt - -	13	25	20	–	2	9	–	9	5	
Membury - -	37	39	31	–	1	5	9	16	8	
Musbury - -	30	29	27	1	5	8	5	9	1	
Monkton - -	9	11	7	2	–	–	–	7	2	
Northleigh - -	3	5	3	–	–	3	–	–	2	
Offwell - -	15	17	15	–	3	4	4	4	2	
Ottery St. Mary -	150	169	141	12	34	50	22	35	16	
Otterton - -	32	39	36	–	–	3	–	33	1	
Seaton and Beer -	48	42	33	4	10	8	2	13	5	
Shute - -	22	31	30	1	13	1	16	–	–	
Southleigh - -	8	10	9	1	–	1	–	8	–	
Salcombe - -	16	18	17	–	5	4	3	5	1	
Sidbury - -	68	77	63	8	13	21	5	24	6	
Sidmouth - -	61	79	58	7	24	17	11	6	16	
Stockland - -	67	75	73	1	18	42	5	8	1	
Ven Ottery -	6	6	6	–	2	3	1	–	–	
Uplyme - -	29	33	28	–	10	14	–	4	5	
Upottery - -	26	23	21	–	–	2	1	18	2	
Widworthy -	9	9	8	–	–	1	7	–	1	
Whimple - -	32	33	32	1	14	6	8	4	–	
Yarcombe - -	28	30	24	–	–	1	1	23	5	
	1,045	1,183	997	63	251	299	168	279	123	

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NEWTON DISTRICT.

PARISHES.	Number registered in 1832.	Number registered in 1834.	Number of Voters polled.	Number of Freeholders for Lord J. Russell.	Freeholders for Mr. Parker.	Leaseholders for Lord J. Russell.	Leaseholders for Mr. Parker.	Number disqualified and unpolled.	OBSERVATIONS.
Abbotskerswill -	21	23	19	2	12	–	5	4	
Ashburton - -	72	76	56	36	13	7	–	20	
Buckfastleigh -	110	115	100	47	28	12	13	15	
Berry Pomeroy -	25	27	25	2	1	19	3	2	
Brixham - -	168	183	147	33	73	8	33	36	
Broadhempstone -	42	44	39	29	5	4	1	5	
Buckland-in-Moor -	7	6	5	–	2	–	4	–	
Bickington -	23	26	20	12	3	5	–	6	
Bishopsteignton -	39	41	29	5	17	3	4	12	
Bovey Tracey -	66	72	56	21	20	6	9	16	
Churston Ferrers -	20	25	24	1	4	2	17	1	
Cockington - -	7	7	4	–	1	–	3	3	
Coffinswell - -	19	18	12	2	8	–	2	6	
Coombinteignhead -	14	15	12	3	5	1	3	3	
Chudleigh - -	75	106	83	18	46	8	11	23	
Dartington - -	26	29	24	3	8	3	10	5	
Dean Prior - -	14	24	24	1	3	2	18	–	
Denbury - -	11	10	8	2	4	–	2	2	
Holne - - -	11	14	13	2	2	6	3	1	
Highweek - -	49	46	36	18	7	7	4	10	
Hennock - -	24	25	19	2	7	2	8	6	
Ippelpen - -	52	51	43	12	24	2	5	8	
Ideford - - -	17	16	10	4	3	1	2	6	
Ilsington - -	56	61	45	13	18	5	9	16	
Kingswear - -	6	5	4	–	3	1	–	1	
Kingskerswell -	46	51	46	10	25	4	7	5	
Kingsteignton -	31	33	28	8	4	10	6	5	
Lustleigh - -	16	15	9	3	4	–	2	6	
Littlehempstone -	18	19	19	2	3	7	7	–	
Manaton - -	15	16	14	2	8	3	1	2	
Marldon - -	17	21	17	5	6	2	4	4	
North Bovey - -	16	21	18	2	3	7	6	3	
Ogwell - - -	12	12	12	1	1	1	9	–	
Ogwell, West -	2	2	2	–	1	–	1	–	
Paignton - -	94	106	86	16	23	16	31	20	
Rattery - -	24	24	21	–	1	1	19	3	
Stoke Gabriel -	19	24	15	7	3	5	–	9	
Staverton - -	52	51	41	3	5	24	9	10	
St. Mary Church -	51	60	49	13	11	7	18	11	
St. Nicholas - -	62	61	42	31	11	–	–	19	
Stokeinteignhead -	31	34	21	6	5	6	4	13	
Tormoham - -	155	183	136	–	–	59	77	47	
Torbryan - -	16	15	15	4	4	2	5	–	
Teigngrace - -	2	3	3	–	1	2	–	–	
Totnes - - -	55	70	60	37	21	2	–	10	
Teignmouth, East -	54	61	53	13	15	23	2	8	
Teignmouth, West -	97	109	86	51	32	1	2	23	
Woodlands - -	17	17	15	3	1	2	9	2	
Woolborough -	77	78	59	22	13	16	8	19	
Widecombe-in-the-Moor - -	36	40	36	10	10	8	8	4	
	1,989	2,191	1,761	517	528	312	404	430	

Mr. *James Terrell.*

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TAVISTOCK DISTRICT.

PARISHES.	Number registered in 1832.	Number registered in 1834.	Number of Voters polled.	Number of Voters dead, absent, &c., and incapable of coming to poll.	Freeholders for Lord J. Russell.	Freeholders for Mr. Parker.	Leaseholders, Renters, &c. for Lord J. Russell.	Leaseholders, &c. for Mr. Parker.	Number of those who did not vote.	OBSERVATIONS.
Bradstone - -	3	5	5	–	–	1	2	2	–	
Bickleigh - -	12	12	10	1	–	1	4	5	1	
Buckland Monach^{m}	29	29	21	–	13	1	6	1	8	
Brinton - -	5	6	6	–	3	–	3	–	–	
Beerferris - -	29	31	23	–	4	1	8	10	8	
Coryton - -	13	11	10	1	–	–	10	–	–	
Dunterton - -	5	7	6	–	–	2	4	–	1	
Kelly - -	7	7	7	–	–	1	4	2	–	
Lifton - -	46	48	41	2	1	6	9	25	5	
Lamerton - -	49	54	50	1	20	2	28	–	3	
Maristowe - -	13	12	7	–	–	1	2	4	5	
Meavy - -	22	23	18	–	6	2	3	7	5	
Milton Abbott -	57	81	77	1	16	4	57	–	3	
Mary Tavy -	15	19	16	–	10	–	6	–	3	
Peter Tavy -	17	27	24	1	17	1	6	–	2	
Sampford Spiney	15	13	11	–	1	–	8	2	2	
Sheepstor - -	10	9	8	1	1	2	1	4	–	
South Sydenham -	12	13	8	1	4	1	3	–	4	
Tavistock - -	43	45	35	–	31	2	2	–	10	
Walkhampton -	15	17	15	1	2	–	9	4	1	
Whitchurch -	16	15	12	–	4	3	5	–	3	
	433	484	410	10	133	31	180	66	64	

PLYMOUTH DISTRICT.

PARISHES.	Number of registered Voters in 1832.	Registered Voters in 1834.	Voters polled.	Number of Voters dead.	Number of Voters incapable of coming to poll.	Number of Freeholders who voted for Lord J. Russell.	Freeholders who voted for Mr. Parker.	Leaseholders, Renters, &c. who voted for Lord J. Russell.	Leaseholders, Renters, &c. who voted for Mr. Parker.	Voters disqualified by Sale of Property or otherwise.	Number of Voters who omitted to poll, though in England.	OBSERVATIONS.
Brixton - -	31	35	33	–	–	3	12	–	18	–	2	
Charles - -	165	184	164	1	3	110	53	1	–	2	14	
Compton Gifford -	16	20	16	–	–	11	3	2	–	–	4	
Cornwood - -	46	46	43	–	–	2	14	1	26	–	3	
Stonehouse -	18	24	16	–	1	6	5	4	1	1	6	
Egg Buckland -	22	25	21	–	–	5	5	6	5	–	4	
Harford - -	12	11	8	–	–	–	4	–	4	–	3	
Holbeton - -	58	56	50	1	1	9	8	13	18	1	5	
Newton Ferrers -	23	24	21	–	–	–	4	1	16	1	2	
Plympstock -	43	51	39	–	–	14	9	7	11	2	8	
Plympton Maurice	33	32	29	–	–	4	19	2	4	–	3	
Plympton St. Mary	71	75	65	–	–	23	7	12	23	2	8	
Revelstoke - -	17	15	14	–	–	–	4	5	5	–	1	
St. Budeaux -	28	32	28	–	–	8	6	6	8	2	2	
Shaugh - -	5	15	13	–	–	1	1	3	3	–	2	
Stoke Damerell -	13	29	23	–	–	3	2	14	4	–	6	
Tamerton Folliott	43	44	41	1	2	4	16	3	18	–	–	
Wembury - -	12	15	11	–	–	1	1	5	4	1	3	
Weston Peverell -	14	24	19	–	–	1	6	5	7	–	5	
Yealmpton - -	49	47	42	–	–	1	4	9	28	1	4	
St. Andrew's -	191	227	200	9	–	134	63	3	–	3	15	
	910	1031	896	12	7	340	246	102	208	16	100	

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KINGSBRIDGE DISTRICT.

PARISHES.	Number registered in 1832.	Number registered in 1834.	Number of Voters polled.	Number of Voters dead since Registration.	Number of Voters out of England.	Number of Freeholders for Lord J. Russell.	Number of Freeholders for Mr. Parker.	Number of £.50 and other Leaseholders for Lord J. Russell.	Number of £.50 and other Leaseholders for Mr. Parker.	Number of Voters disqualified.	Number of Voters who did not poll.	OBSERVATIONS.
Ashprington -	25	30	20	1	–	4	7	2	7	2	7	
Aveton Gifford -	34	37	31	–	–	4	14	4	9	–	6	
Bigbury - -	23	22	19	–	–	2	1	3	13	–	3	
Blackawton -	50	54	45	1	–	8	11	8	18	–	8	
Bucklandtout Saints - -	5	5	5	–	–	1	1	–	3	–	–	
Charleton - -	21	23	17	–	–	1	3	1	12	1	5	
Chivelstone -	29	27	24	–	–	5	8	5	6	2	1	
Churchston -	7	10	8	–	–	–	3	–	5	1	1	
Cornworthy -	24	28	22	–	–	2	10	2	8	–	7	
Diptford - -	29	26	21	1	–	6	1	11	3	–	5	
Dittisham - -	38	38	30	1	1	12	9	1	8	–	6	
Dodbrook - -	28	30	28	1	–	9	14	–	5	–	1	
East Allington -	23	26	22	–	–	2	6	2	12	–	4	
Ermington - -	84	82	66	3	–	22	8	20	16	2	11	
Halwell - -	27	26	21	–	–	2	4	7	8	–	5	
Harberton - -	73	73	58	2	–	29	8	11	10	2	11	
Kingsbridge -	47	60	53	2	–	27	17	4	5	–	5	
Kingston - -	22	20	17	–	1	4	8	3	2	–	2	
Loddiswell - -	26	30	27	–	1	14	7	3	3	–	2	
Malborough -	30	45	38	2	–	8	8	10	12	–	5	
Modbury - -	116	104	91	1	–	45	22	13	11	–	12	
Morleigh - -	6	7	7	–	–	2	4	7	–	–	–	
North Huish -	15	17	14	–	–	2	2	3	7	–	3	
Portlemouth -	17	18	13	–	–	–	5	1	7	–	5	
Ringmore - -	9	10	8	–	–	–	1	–	7	–	2	
St. Saviour's, Dartmouth -	17	19	14	1	–	10	4	–	–	–	4	
Sherford - -	23	24	20	1	–	3	–	8	9	–	3	
Slapton - -	40	44	34	–	–	13	13	3	5	2	8	
South Brent -	60	69	62	2	–	10	26	6	20	–	5	
South Huish -	5	9	7	–	–	2	1	1	3	1	1	
South Milton -	4	12	10	–	–	–	3	2	5	–	1	
South Pool -	13	14	13	–	–	2	3	8	–	–	1	
Stoke Fleming -	46	48	41	–	1	11	14	5	11	–	6	
Stokenham - -	63	61	53	1	–	26	9	15	3	–	7	
St. Petrock's, Dartmouth -	11	15	9	–	2	8	1	–	–	–	4	
Townstal, Dartmouth - -	27	31	27	–	1	18	9	–	–	–	3	
Thurlestone -	25	26	22	–	–	2	8	3	9	2	2	
Ugborough -	54	57	48	–	–	4	11	15	18	–	9	
West Alvington -	30	31	28	1	–	4	8	4	12	–	2	
Woodleigh - -	10	12	10	–	–	–	–	–	10	–	2	
	1,236	1,320	1,103	21	7	324	292	185	302	16	175	

(B.)

DISTRICTS.	FREEHOLDERS.		LEASEHOLDERS.	
	Russell.	Parker.	Russell.	Parker.
Exeter - - - - -	217	411	189	510
Oakhampton - - - -	112	90	98	71
Honiton - - - - -	251	299	168	279
Newton - - - - -	517	528	312	404
Tavistock - - - -	133	31	180	66
Plymouth - - - -	340	246	102	208
Kingsbridge - - - -	324	292	185	302
	1,894	1,897	1,234	1,840 1,234
Mr. Parker's Majority of Leaseholders - -				606

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2698. What do you mean by the word "leaseholders?"—I mean those who hold leases for 99 years, or 50 *l.* renters. In Devonshire it is the case with a great many of the landlords that their tenancies go on without any fresh lease being given; there is a perfect understanding on which they proceed.

2699. Have you in preparing this also made any note of the different properties?—I have, in pencil.

2700. Have you the means of showing, from your knowledge of the county, any of those districts in which a considerable number of persons voted on rights other than freehold, in whose hands the freehold is?—I can do it in almost every case.

2701. Can you specify any particular parishes or divisions in the last election, where the vote of the tenant following that of the landlord was particularly remarkable?—Yes, in a great number of cases.

2702. Have the goodness to point them out?—One case I would more particularly call the attention of the Committee to, arises in the Newton district; here are three parishes immediately adjoining each other, the parishes of Rattery, Staverton and Broadhempstone. In the parish of Rattery there were 21 votes polled at this election; only one was a freeholder, the other 20 were leaseholders or 50 *l.* renters.

2703. Do you mean tenants at will?—It is a tenancy from year to year.

2704. The men may be put out at the mercy of their landlords?—Yes, or they may have leases for seven years; I cannot say how that is.

2705. Are any of the persons those who hold leases for lives?—I believe not in Rattery; they are ordinary renting tenants, I conceive.

2706. Voting under the 50 *l.* clause?—I apprehend so; in the election of 1832 those voters all voted for Mr. Bulteel, the Reform candidate.

2707. Are they all under the same landlord?—Yes, the whole.

2708. How did the landlord vote at that election?—He voted with Mr. Bulteel in the last election, they all, with the exception of one, voted for Mr. Parker, the Conservative candidate.

2709. How did the landlord vote?—The landlord voted for Mr. Parker.

2710. Was there any peculiarity about that exception of one?—No, I am not aware of any peculiarity.

2711. To whom does that parish belong?—To Sir Walter Carew. The next parish to which I would call the attention of the Committee is the parish of Staverton, which is adjoining the parish of Rattery; 41 votes were polled, three freeholders and 24 leaseholders for Lord John Russell, and five freeholders and nine leaseholders for Mr. Parker; the land in that parish belongs to the Dean and Chapter of Exeter, who have the great tithes; their leases are granted for 21 years, which leases are renewed every seven years; persons holding such leases consider their tenure very good, because deans and chapters never refuse to renew at the end of the seven years; then they grant a fresh lease for 21.

2712. Do they consider themselves dependent upon the dean and chapter?—Very little, with the exception of the influence which the tithes would have upon the parish, for they always find the deans and chapters very ready to renew.

2713. Are those tenants the same class of persons as the tenants in the other parish?—I would observe that in the three parishes I have adverted to, they are the same class of yeomen. In Staverton, the number that voted for Mr. Parker were five freeholders and nine leaseholders, and for Lord John Russell, three freeholders and 24 leaseholders; the nine and five include the chapter clerk of Exeter and their surveyor.

2714. You stated that two individuals of those who voted for Mr. Parker held offices, from which you would draw the inference that those were influenced by their offices; do you know if any individuals who voted for Lord John Russell were thus influenced?—I believe not; I would state that they are as intelligent and respectable a set of yeomen as any in the county of Devon. In the parish of Broadhempstone the voters are nearly all freeholders; there are 29 freeholders in that parish who voted for Lord John Russell, and four leaseholders; five freeholders voted for Mr. Parker, and one leaseholder; of those six who voted for Mr. Parker, three reside out of the parish at a distance, and of the other three, one was the clergyman.

2715. How many of Lord John's freeholders reside out of the parish?—Only three.

2716. Are the bulk of those 29 freeholders of the same class of voters as the persons in Staverton and Rattery?—I should say, taking the three parishes together, they

they would form one class of people; they are in the habit of associating together; they are a very intelligent set of men.

2717. Who is the owner of the parish of Broadhempstone principally?—There is no great owner of that parish, they are all freeholders.

2718. Do you consider that the bulk of the freeholders in Staverton and Broadhempstone are independent of any influence?—In Broadhempstone most decidedly; in Staverton a very slight influence; the influence of the landlord, being that of the dean and chapter, for the reason I have before stated, I think is not a very powerful one in respect of the leases; the influence of the tithes being in their hands perhaps might have some weight.

2719. Are the tithes let on lease?—They are leased by the dean and chapter for 21 years to a middle-man, who holds them; I rather believe it is their own surveyor.

2720. Were you acquainted before the election with the political sentiments of the voters in those three parishes?—I have been in the habit of associating with the yeomanry of that neighbourhood a good deal within the last few years.

2721. Are you of opinion that the same opinions in politics existed amongst those persons as among the others of which you have already spoken?—I am.

2722. Does that circumstance of your knowledge of their political opinions give rise to the supposition in your mind that the change which took place in the Rattery voters took place in consequence of the change of opinion of the landlord?— It does.

2723. Had you any conversation with any of them on the subject?—I do not know particularly; I have had a good deal of conversation with the yeomen in that neighbourhood by frequently meeting them.

2724. Is there any other parish or district to which you wish to refer as illustrative of the general principle you have stated?—In the district immediately round Exeter, those votes who poll at Exeter, there were 189 only of the leaseholders and 50 *l.* renters who voted for Lord John Russell, while 510 voted for Mr. Parker; it will be seen from the list of the Exeter district, that in many parishes Lord John Russell had not a single voter of the leaseholders. I might instance some of the more prominent cases of Colaton Raleigh, the property of Lord Rolle: there were 22 leaseholders voted for Mr. Parker, not one for Lord John; in the parish of Dunsford, 24 leaseholders for Mr. Parker and one for Lord John.

2725. To whom does that parish belong?—To Colonel Fulford principally.

2726. Are you sufficiently acquainted with those parishes to say, by references to your poll book, how the same class of persons voted when they voted in respect of their freehold qualifications?—There are but nine freeholders in the parish of Dunsford, they also voted for Mr. Parker.

2727. Are they the same description of person?—Yes, they are small freeholders, who also probably rent lands.

2728. Have you any freeholders in Colaton Raleigh?—There are seven.

2729. How did they vote?—For Mr. Parker.

2730. Are you sufficiently acquainted with those places to say whether the freeholders of those parishes are the same class, or of a class above or below the renters who voted?—I should say about the same; in the parish of Exminster there were 24 leaseholders for Mr. Parker and one for Lord John Russell; freeholders, 13 for Mr. Parker and one for Lord John.

2731. One leaseholder and one freeholder?—Yes; in the parish of Kenn, 13 leaseholders and 21 freeholders voted for Mr. Parker, and only one freeholder for Lord John, and I believe he lives out of the parish.

2732. In the course of your communication with the voters in the county, are you aware of any instances of persons who have voted contrary to their inclinations in consequence of any superior influence exercised over them?—I know many cases; some of the tenants have told me of it, and told me the circumstances, but they have told it me in confidence, because they say if it was known that they had repeated it, they should lose their interest with their landlords, and that would be almost as bad for them as if they had voted against their landlord's wish; I can mention one, but I am not allowed to give names, which is a very prominent case. A yeoman, who ever since 1816 has been a most active man on our side, and has canvassed on our side of the question and taken a very active interest, attended the nomination; on his return he received a letter from his landlord, requesting that he would not oppose Mr. Parker; I have seen him since, and he told me he thought he might then have been allowed to be quiet, but on the Sunday his landlord called on him, and compelled him, though, as he told me, with tears in his eyes, to go to the poll and vote for Mr. Parker.

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2733. What do you mean by compelled him?—By the influence which was used.

2734. What do you mean by influence?—I do not mean by threats, but he had no lease, and his capital being embarked in his farm, and he having a family, he was afraid that if he offended his landlord he should not get the lease promised him; that it would be ruinous to him.

2735. He did not say that his landlord threatened that it would be the worse for him if he did not vote for Mr. Parker?—He did not state to me the words used, but that the influence was so used as to afford that presumption.

2736. You think the tears in his eyes afforded an indication of the state of his mind?—Yes.

2737. He had the prospect of obtaining a great benefit from the landlord?—I have no idea that the landlord would have turned him out, but he felt himself under that obligation to the landlord, and the fear of offending him, that induced him to vote against his conscience.

2738. Do you think the influence on his mind was fear of loss or wish for advantage?—Not hope of advantage; for as to the lease, I understand the landlord is too respectable a man to have inflicted any injury upon him even if he had voted for Lord John Russell, but still he felt the importance of keeping the good will of the landlord.

2739. You say you had been previously well acquainted with this man, and know his political sentiments?—For the last 19 years.

2740. Having known him well, do you attribute the change in his vote to any change in his political sentiments?—Certainly not; he has been with me since the election to explain it; he said he was anxious that his political reputation should stand well.

2741. Have you any influence over him in any way in the way of business?—Not the least.

2742. Or any of your clients?—Not the least; he is a man very respectable in his station, a man of strong mind and good property.

2743. Can you mention any other?—Yes, in the next case I might, without any breach of confidence, mention the names, for the voter came to our committee-room and stated the circumstance in public. There were two Members of Parliament, I think, Mr. Divett and Mr. Charles Buller, present. Mr. John Bear, of Kenton, who rents a very large farm under the Earl of Devon—he and his brother have always been very active partisans on our side in politics, and up to the Saturday previous to the election, which was on the Monday, he was very actively canvassing for Lord John Russell, and was at our committee-room I believe on the Friday, the market day. On the Sunday, the day before the election, the son of the Earl of Devon's steward went to him and requested him to vote for Mr. Parker; he told us he had refused to do so, but that intimidation was used to the extent upon him that he was prevented from voting at all, and he did not vote.

2744. Did he state the nature of the intimidation?—He said that the steward had influenced him; I do not know that he had threatened to turn him out, but that he had used that sort of influence upon him which it was impossible for him to resist.

2745. There is a difference between influence and intimidation?—It certainly went beyond due influence in the case of a man of Mr. Bear's station as a yeoman, and his well known feeling as a politician.

2746. Did he state what the steward or his son had stated to him?—I cannot state the words Mr. Bear used, but he gave us to understand that influence and intimidation had been used, which prevented his voting.

2747. He reported that that which had been said to him had alarmed him as to the consequences which might ensue to himself if he gave a vote against Mr. Parker?—Certainly.

2748. Can you state distinctly that he was alarmed as to what would occur to him if he voted against Mr. Parker?—I cannot state the words, but I think that the influence which was used towards him prevented him coming to the poll; he very strongly resisted the application to vote for Mr. Parker.

2749. Is he still in the occupation of his land?—Yes.

2750. In other cases, of which you say many have come before you in this way, where persons have stated that intimidation has been used, has the conversation which you have had with those persons upon whom it has been so used, led you to believe that threats have been actually used, or that a sort of hint or intimation has been given which was quite enough to impress upon the mind of the person influenced

influenced what the consequences would be?—In some cases there have been direct threats, but more generally influence of a strong nature, perhaps not justifying the term intimidation.

2751. Do you think any law which prohibited persons from making a direct threat, or punished any person making a direct threat, would have any influence in preventing that sort of indirect intimation or hint?—No, I do not think the influence used is such as would enable a prosecutor to make out a case; the landlords would invite all their tenantry to breakfast on the day of election, and the thing would be understood.

2752. Is the hint ever conveyed in an intimation that the rent day will occur soon after, or that there are certain covenants which have not been performed?—No, I rather think not; but that the general understanding is sufficiently operative upon their minds.

2753. Do you think that when the agent or steward of the landowner calls upon a tenant and asks him for his vote, and presses him more or less for it, it is understood by the tenant that bad consequences will ensue if he does not give his vote in a particular way?—I rather think in those parishes where the influence of the landlord is very strong, though the terms may not be very distinct, the voters generally understand that they must go with the landlord; I will instance the parish of Broadclist, belonging to Sir Thomas Acland; one freeholder only and five leaseholders voted for Lord John, and 19 freeholders (most of whom, I believe, are leaseholders also) and 33 leaseholders voted for Mr. Parker, making 52 against six; now in 1832 nearly all those men voted for Mr. Bulteel, the Reform candidate; in 1835 they voted for Mr. Parker, the Conservative candidate.

2754. Had they changed their landlord in the mean time?—No, Sir Thomas Acland in one instance supported Mr. Bulteel, and in 1835 he supported Mr. Parker.

2755. Did Sir Thomas Acland vote himself in 1832?—I think he did; those votes were not canvassed I apprehend strongly, but they understood that Sir Thomas Acland supported a particular candidate, and they went with him; Sir Thomas Acland has a great moral influence over his tenantry, being a very excellent man.

2756. Independent of that moral influence which Sir Thomas Acland has ever been known to possess over all persons connected with him, supposing that parish to be in the hands of a landlord who did not even reside in the country, and of whose merits they knew nothing, do you apprehend the same course would be pursued?—No; I think if they were let alone, and there was no influence of the landlord over them, a great part of them, with the yeomanry generally of the county of Devon, would vote as strongly almost as they did in Broadhempstone.

2757. Do you think that if there was the vote by ballot, the influence of so good a man as Sir Thomas Acland would so weigh with them that they would comply with his wishes though he had no means of enforcing that compliance?—I think Sir Thomas Acland's legitimate influence over them in his own neighbourhood is very considerable, but I think that a very large proportion of those persons would have voted for Lord John Russell if they could have done it privately.

2758. That the moral influence of Sir Thomas Acland would have been destroyed?—I have not said that; I think a very considerable portion of them, if they could have voted secretly, would have voted for Lord John Russell.

2759. You think that the vote by ballot would impair the effect of the moral influence?—No.

2760. Do you consider that a moral influence which induces a man to vote against his conscience?—No; what I mean by moral influence is, that if Sir Thomas Acland called his tenants together and reasoned with them on politics, his persuasion would induce many to vote with him, even if the ballot existed; but I think that a great many would vote, if they could privately, against his present political opinions.

2761. They would retain their own opinions in spite of the opinion of Sir Thomas Acland?—I think they would; a very large number of voters in the county of Devon who are on the registry did not come to the poll, because if they had, they would have offended their landlords in not voting as they wished them, and a very large number are not on the registry, fearing that by voting they would affect their interests.

2762. The intimidation in the county of Devon, then, does not go to the extent of forcing the voters to vote, but when their opinions are adverse to those of their landlords,

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landlords, they remain neuter?—Not exactly so; I think the influence in Devonshire varies in different districts.

2763. You say a large proportion of the voters in the county did not vote in consequence of wishing to vote differently from the line their landlords wished them to adopt, and that in consequence of that they were not forced to vote but remained neutral; the intimidation exercised in the county of Devon went to the extent, then, not of inducing them to vote but to remain neutral?—In many instances; but in a very great number of cases they were led to poll against their own wishes; a great many had promised to vote for Lord John Russell, and were afterwards kept from the poll; for instance, in the parish of Alphington, there are 12 who did not poll.

2764. Are they leaseholders or freeholders?—Leaseholders for lives, mostly holding houses worth more than 10*l.* a year renewable on lives; I believe a very large proportion of those 12 had promised Lord John, but on the Sunday, the day previous to the election, the steward canvassed the parish and they were kept from the poll.

2765. What is the whole number of the constituency and the number polled?—I think there were 6,865 polled; there are more than 8,000 on the registry.

2766. Without going into the detail, do you know of many cases similar to that of Mr. Bear, where a similar influence has been used over the tenants?—I know many other cases, but I feel restrained from giving the particulars of them, from the injury that it would cause to the parties.

2767. Have you reason, from a previous knowledge of the parties and their assurances, to believe that their votes being given on the other side, or withheld from your side, was not from the moral influence of the landlord, or from any party spirit voting with the landlord, or from any change of political sentiment, but from a fear of the consequences?—I believe that such influence, amounting in many cases to intimidation, operated very powerfully on a large portion of the electors of Devon, of the leaseholders particularly; a very large number of freeholders are also leaseholders with a quantity of land which they rent in addition to their freehold.

2768. Upon those who are registered as freeholders there is still frequently the same species of influence in respect of that fact?—Yes.

2769. So that if a man votes for one farm, the influence exerted over him may be in respect of another farm?—A man may be a 40*s.* freeholder perhaps, and yet he rents a farm of 100*l.* or 200*l.* a year.

2770. Have you many freeholders in Devonshire who hold under two landlords?—Yes, but not very frequently.

2771. Do you know of any who hold under landlords of opposite politics?—I have heard of some cases of that sort.

2772. Do you know what course persons so situate pursued?—Whichever interest predominated, I suppose would prevail; it might very often happen that the influence has been used on one side and not on the other; I have known many instances where gentlemen have not chosen to use that influence.

2773. Do you know of any case of persons so situate who have refrained from voting at all?—Yes, there are many such cases no doubt; that would be the position in which the voter would endeavour to put himself if he could.

2774. So that in the case of landlords having opposite wills, the tenant is reduced to that alternative?—Yes, certainly.

2775. Have you known any other class of persons who exercise influence in a pecuniary way over voters besides the landlords?—Yes; I have one case of a gentleman, a magistrate for the county of Devon, who had leased some houses to a man some years ago, who laid out a good deal of money upon them; he owes this gentleman 500*l.* on mortgage; the magistrate called upon him previous to the election and asked him for his vote for Mr. Parker; this voter had always been very marked in his politics for a great many years, in fact, I believe always as a reformer, and he refused to vote for Mr. Parker; he was asked to be neutral, which he also refused; on the day of the election he was going to the Castle to vote, and in the Castle yard this gentleman, the mortgagee, in the presence of a large concourse of people, called out and asked him how he was going to vote; he said he was going to vote for Lord John Russell; he then said, "then I insist upon your paying me that 500*l.* you owe me upon mortgage:" the voter went up and voted for Lord John, and the next day this gentleman went to the tenants (he has eight or ten tenants of the property) and inquired what rents they paid: he has demanded

demanded payment of his money, and a transfer of the mortgage is now making, which I suppose will put this voter to an expense of between 10*l.* and 20*l.*

2776. Will he get the money on any better terms in consequence of the change?—No, certainly not.

2777. Do you give this as an instance of the species of influence which is exercised by creditors over debtors, or do you merely give it as a solitary fact?—I do not think that in Devonshire the influence of a creditor over his debtor would operate to a very great extent except in the case of landlords, who are generally very large creditors of their tenants from the state of agriculture; the tenants are not in a situation to pay their rents well up, and, therefore, the influence of the landlords upon them is, particularly at the present time, very powerful.

2778. Do you think that, as a class of professional men, the attornies who have pecuniary transactions with their clients exercise any influence over them?—Their influence is certainly rather powerful, but I should think respectable attornies would be very cautious in exercising it to any extent; I know one instance myself where a man who is a freeholder, whose property is mortgaged very deeply to a client of mine, came to me a few days before the election; I knew the man's political principles were very strongly marked on our side, he had in former elections voted with us; he came to me and said that influence had been used to induce him to vote for Mr. Parker; I asked him if his interest was likely to be affected if he voted for Lord John Russell; he said it would, for that after he voted for Lord John Russell in 1832, he suffered in his business; he is a carpenter and keeps a public-house; I told him if his interest was likely to be affected by it, he had better not vote at all, though I knew that in voting for Lord John Russell he would vote according to his conscience; he told me he would not vote at all; but on the second day of the election, I found he had been brought in and voted for Mr. Parker; he left word at my office that influence had been used upon him to that extent he could not resist; that he had confidence in me that it would not injure him in respect of his mortgage, but that he should have suffered from the other party if he had not voted for them.

2779. That is a case in which the excuse he alleged of having had influence used over him might have been suggested by his apprehension of what the consequences might have been if he had voted for Mr. Parker without such influence?—Yes.

2780. Does not that circumstance distinguish the case from the others you have stated, where you had no influence over the parties?—I rather state that as a proof that the attornies do not always use the influence which they possess; this man was in a situation, with a long arrear of interest, that I might have seriously injured him; he lives in a parish where every voter except one voted against us, and that person not a resident in the parish.

2781. Do you know any case in which any individual who has voted for Lord John Russell has been injured by his landlord for so doing?—The time is very short, but I think not; but I believe the principle of Lord John Russell's friends has generally been not to influence one to vote against his conscience.

2782. Do you know of any such case?—I do not.

2783. You say your party have abstained from using that influence?—There were, I know, many instances of gentlemen who have had their tenants vote against them.

2784. You know many persons who have voted against the wishes of their landlords?—Where influence has been used upon them, or their political bias was very strong on the one side, and the landlord, on the other, has not pressed his influence over the tenant so as to compel him to vote with him.

2785. Do you think he could have done it?—Yes, the influence of a landlord over his tenant of land is such as to be almost irresistible.

2786. Do you know of instances where persons have come to you and told you that their landlords had pressed them to vote, but that they were determined to vote according to their consciences, and who have so voted?—Yes, I mentioned the name of Mr. Bear; the brother of Mr. Bear, who is also a tenant of Lord Devon, was pressed in the same way, but he was a man of stern independence and of independent property, and he voted for us.

2787. He has not been injured for having so voted?—There is no time gone by to speak upon that subject; I should think he would not be.

2788. Is he a man who, from his property, is to be considered a very good

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tenant, whom in these times a landlord would not like to lose?—He is a very good tenant.

2789. A rent day has not elapsed since the election?—No.

2790. Your party you say abstained entirely from using such influence?—I will not say entirely, because I cannot be answerable for every one.

2791. Lord John Russell had a very large majority, as well of leaseholders as of freeholders, in the district of Tavistock, do you attribute that entirely to their reforming principle or the influence exercised?—Tavistock is at some distance from me, and I do not know so much of that district, but I should think the influence used there on Lord John Russell's side was powerful—from what I know of the people of Tavistock and that neighbourhood, I believe they are very zealous partisans of the cause of Reform; certainly they are in the town of Tavistock.

2792. Are you aware of the difference of voters in that district between 1832 and 1835?—I am not aware of any great difference; they voted in 1835 generally as they voted in 1832. There is one property of Sir Ralph Lopes, who in 1832 supported Lord John; in 1835 the influence has been the other way; I was looking yesterday with a gentleman of Devonport, which is nearer to Sir Ralph Lopes's property, he told me that Sir Ralph had used his influence in favour of Mr. Parker, but it appeared that his tenants were rather obstinate, and that they did not all follow his wishes.

2793. Is Sir Ralph Lopes's property within the Tavistock district?—Part in Tavistock and part in Plymouth. There is one parish, of Buckland Monachorum, which is the property of Sir Ralph Lopes; there 13 freeholders voted for Lord John, and only one for Mr. Parker; and six leaseholders for Lord John, and only one for Mr. Parker, which astonished me very much. I heard that the parish all belonged to Sir Ralph Lopes; that goes to a certain extent to illustrate what I have stated, that I believe in the neighbourhood of Tavistock they are all essentially Reformers, that they have a strong political feeling.

2794. Sir Ralph Lopes's influence succeeded in some instances and failed in many others?—Yes.

2795-6. There has been no change in that part of the Tavistock district where the Bedford property exists?—I am not aware that there has been a change; the fact is, we polled 313 against 91.

2797. Did any of Sir Ralph Lopes's tenants vote in conformity with his wishes?—I believe some of them did in the parish of Bickleigh, five against four.

2798. Although in some instances Sir Ralph Lopes failed in influencing his tenants, in others he succeeded?—That is asking me perhaps to speak upon the individual voters; I cannot speak positively, it is a long distance from me.

2799. Do you know in the election of 1832 for which candidate Sir Ralph Lopes's tenants voted?—Yes; they generally voted for Lord John and Mr. Bulteel.

2800. Were they at the late election equally divided, or nearly so?—No, we had the most of them; I perceive we had 19 to two in Buckland Monachorum, which belongs to him.

2801. Do you know whether Sir Ralph Lopes used any menace or intimidation?—I do not think that he did; the public spirit I have heard was excited against him a good deal at Plymouth.

2802. Do you think he has, since that, taken any steps against those who voted against him?—I do not think he has; I think Sir R. Lopes too good a man to do so.

2803. You know that he was, at the time of the passing of the Reform Bill, an advocate for the Bill?—He was; I perceive that in the parish of Tamerton Folliott, 34 voted against seven; a part of that parish I understand belongs to Sir Ralph Lopes, but the other part, I understand, to Mr. Radcliffe, his brother-in-law.

2804. Did Mr. Radcliffe also change his opinion?—No; I believe he was opposed to Lord John in the election of 1832.

2805. Do you know the district of Oakhampton?—I know something of it.

2806. What is the condition of property there?—In some part of the district the voters are a low class of yeomanry. Oakhampton is 22 miles from Exeter; in the part nearer to Exeter they are more enlightened, but in the western and north-western part they are an inferior class.

2807. In the hands of which party is the property?—There are two gentlemen there of the names of Mr. Hamlyn and Mr. Newton, who have very considerable influence, who are with us, and Mr. Arundel, of Lifton, who has considerable influence

fluence on the other side. In South Tawton there are a considerable number; there are a good many freeholders and not many leaseholders; there are but few; Mr. Acland (not Sir Thomas), but the principal proprietor, is with us; in this parish we polled 31 freeholders to 10, and 12 leaseholders to three.

2808. Are those small freeholders to whom you allude persons influenced by employment as labourers?—Some of them are in parishes like that of Alphington, near Exeter; we have a good many small leaseholders holding small cottages at 10*l.* a year and upwards, for 99 years, determinable on three lives, they are under considerable influence from the landlord; for if a life dies, it is of importance to get a renewal; and I have heard of an instance where the steward intimated to a voter, if he did not vote for Mr. Parker, he might want another life on his house by and by.

2809. Are many of them labourers?—I should think none, or very few, go so low as that; some of them shoemakers and tailors, blacksmiths and carpenters, and so on.

2810. You have stated that certain landlords have changed their opinions, you have not alluded to any possibility of their tenants having changed their opinions also; do not you think it possible that the changes of political feeling may extend to others besides landlords?—Yes, I think there might be among so large a constituency many instances of change of feeling, but I think the change of feeling has been most generally from the Conservative to the Reform party among the mass of yeomanry.

2811. Did the "no popery" cry produce any effect in that county?—It certainly did.

2812. Do you think that the "no popery" feeling did influence any considerable portion of the electors?—I can speak only from guess, but I think it might influence from 150 to 200.

2813. In the city of Exeter do you mean?—That is not in the county, that is a county of itself; I speak of the south division.

2814. Do you think out of a constituency consisting as it appears of 8,000, no more than 200 would be influenced by that?—It would operate only on the more ignorant, the higher classes would laugh at the attempt.

2815. Do you speak on your own conjecture, or upon the opportunities of observation you have had in the county?—From information I received from different parts of the county; a gentleman of considerable respectability told me that seven or eight in his parish had been prevailed upon by the cry of "no popery" to vote for Mr. Parker.

2816. What do you mean by "no popery?"—It has been put in different ways; they have said that the Church was to be destroyed, that the Catholics were to be put into power, and Fox's Book of Martyrs re-enacted over again, and that has had a considerable influence on the poorer class.

2817. Do you think Sir Thomas Acland has been influenced by that?—He is the last man in the world to be influenced by that.

2818. You think that there was a change of opinion in general?—Yes, but the change, I think, is in favour of the Reformers.

2819. Why, if gentlemen of the county have changed their opinion, do you suppose it impossible that intelligent tenants should not also change their opinion?—It would be very absurd for me to say there has been no change of opinion among 8,000 persons, but if I am asked the predominance of that change, I state that it is in favour of Reform.

2820. You think that out of a constituency of 8,000 voters, the number influenced by the "no popery" cry has not been more than 150?—I conjecture that among the mass of people, of the lower orders in particular, where the influence has been much attempted, it might perhaps amount to a couple of hundred, but I speak speculatively as to the number.

2821. If you conceive that the change of opinion among the yeomanry has been rather to Reform than against it, how do you account for the different result of those two contests?—Since the election in 1832 the Conservatives have been very active in their registration; they have been very vigilant; the other party certainly have not been; the difference between the registration of 1832 and the registration of 1834 amounts to 760, of whom I believe not less than 600 are of our opponents, and I believe that the influence has been carried out much stronger by the landowners upon their tenants than ever has been before.

2822. You have stated that there was a change in opinion amongst the yeomanry rather

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rather from the opinions of the Conservatives to those of Reformers, can you tell the Committee whether or not, amongst the great interests of the landowners, there has or has not been any change the other way, whether any great interests have changed the other way?—I should in explanation state that there were two or three of the landowners that voted for Mr. Bulteel, perhaps from personal feeling rather than political feeling; I think I might venture to say so of Sir Thomas Acland and Sir Walter Carew; that influence is now thrown wholly upon Mr. Parker; while it was thrown on Mr. Bulteel only, the Conservative party gained nothing and we lost nothing, but now it is a loss of so much.

2823. Are you not of opinion the change you have spoken of in the opinions of the yeomanry has been more than counterbalanced by the change of opinion and of conduct on the part of the great landlords?—I think it has.

2824. There is one source of influence which you have not adverted to, which is the influence of tithe-owners, has that any effect, or has it been used in any way?—I believe the influence of the clergy is very powerful against us; though we have from 200 to 300 parishes, there were not above six clergymen who voted for Lord John, and of those only three or four were beneficed in the division, and I believe the influence of the large body of the clergy which was in every part excited against us, both in reference to their tithes, and their being in many cases magistrates, also operated very powerfully on the late election.

2825. Are you acquainted with any instances where the voters, whose opinions you were previously acquainted with, were induced to vote contrary to what you conceived to have been their inclinations, by any apprehension from the tithe-owner of their parish, whether lay or ecclesiastic?—I have no particular evidence to refer to of any direct intimidation of that sort; their influence is very powerful in some districts, in others it is not; and in some instances where the clergyman is very hostile to his parishioners, his attempt at influence sometimes leads to a counteraction.

2826. Have the goodness to explain in what way the influence of the clergy having the tithes operates?—The clergyman in most parishes compounds with his parishioners; if he would wish to influence by his tithes, he would intimate something about taking tithes in kind, which is a considerable cause of terror to the yeomanry; rather than submit to that, which is a great loss to them as well as the clergyman, they would be induced to concede their own opinion.

2827. Do not you think that the clergyman suffers more from drawing his tithes than the farmer?—Intelligent men say that the clergyman and the farmer will each lose a quarter, and that one half is really sacrificed by the system of taking tithes in kind; but a farmer would dread the operation of his corn being taken in kind, he would rather make a sacrifice than submit to the loss and inconvenience.

2828. Is it any compensation to the tenant for his loss that the clergyman will lose one-fourth in addition?—No, certainly not.

2829. Is it any compensation to the clergyman that the tenant will lose one-fourth in addition?—No, certainly not; but he will make a sacrifice in one case to attain his object in others.

2830. Are there any instances of that going on in Devonshire?—We hear of it every now and then.

2831. With a view to election purposes?—I have not said that, but that a clergyman will thereby keep up his power over his parishioners.

2832. Can clergymen under such circumstances as that of a sudden election on an acceptance of office, effect a change by the tithe influence which may affect the votes?—I have said that by the tithe system there is a power by which the rector or vicar might maintain a general influence over his parishioners, and that that influence might be used for election purposes.

2833. Do not you think that the anxiety to exert that influence operates to keep up an hostility to clergymen?—Yes, I say it does; and in instances where the clergyman is a very excellent man, and takes moderate tithes, he possesses a considerable influence in that way.

2834. Do you think that the influence exercised of late on the part of clergymen as it regards tithe, has had a great effect in turning the election against Lord John Russell?—I have not gone quite to that extent, but I state that the general influence may be, and I believe has been used by the clergyman on his parishioners for election purposes, and there is another great influence the clergyman has where he is a magistrate, and we have a great many clerical magistrates in Devonshire.

2835. You say that the loss by the clergyman is no compensation to the farmer; do

do you not think that the loss by the clergyman is a pretty good security against its being carried to any extent?—No, for he would take the tithe in kind of only one or two farmers at a time, till he has drawn them to a higher system of composition; I do not mean to speak of clergymen generally.

2836. Have the goodness to specify any case in which you know of this description of influence having been used?—I have stated before that I give evidence of no particular case, but I speak of the general effect.

2837. May not a clergyman compound with one and refuse to compound with another?—Yes, certainly.

2838. So that a clergyman has it in his power to select one or two individuals in his parish upon whom he may inflict his resentment?—Certainly.

2839. And thus do them a great injury, while to himself the damage is comparatively small?—Just so.

2840. Although you do not know any instance where a clergyman has used any menace, or carried any menace into execution, do not you think that the knowledge among the parishioners that the power is vested in the clergyman, coupled also with the knowledge of his political bias, must give him a powerful influence in his parish?—Yes.

2841. Do you conceive that the clergy in Devonshire have exercised a great influence through their tithes over their parishioners?—Certainly, the influence of the nature I have mentioned; when the question was put in the marked way whether I knew of any particular cases, I say I do not give evidence of any; if I am asked whether that sort of influence does exist, and whether it had been used generally, whether expressly or implied, I should say yes.

2842. Did the clergy feel such a zeal with respect to this election that they represented Lord John Russell as an enemy to the Protestant religion?—I understand so from reports.

2843. Were sermons delivered?—I have heard reports of a great number of sermons upon that subject.

2844. Do you believe that sermons were delivered in the churches with reference to measures contemplated by the Government to which Lord John Russell belongs?—I have heard it reported that that has been done in a great many places, but I would not charge my memory with any particular places.

2845. Do you believe it was the case?—I do, certainly.

2846. Do you know of any sermons delivered in Dissenting chapels in favour of Reform principles?—I never heard of one.

2847. Do not you believe that sermons have been delivered in Dissenting chapels on the grievances of Dissenters?—I never heard of one.

2848. Have you heard a sermon in the Church of England against Lord John Russell?—I have not heard one; I have heard of political sermons.

2849. Have you heard of Dissenters preaching on their grievances?—Certainly not.

2850. Have you ever inquired?—I am a Dissenter myself; I never heard any preached where I attend.

2851. Have you never heard sermons delivered on what is called political liberty?—I never heard a sermon delivered on political subjects in a Dissenting chapel in my life.

2852. You state you do not know of any instance of a clergyman exercising the power you have described of forcing a rise in the tithe of a whole parish by singling out two or three individuals, and compelling them to pay their tithe in kind; do you say that you had never known any such power exercised for the purpose of raising the tithe, or that you had never heard of that power being exercised for electioneering purposes?—I mean that I do not believe that it is done for electioneering purposes expressly, it is done with a double object—the object of increasing the income from the tithes, and also the advantage of exercising the power the clergy have over the yeomanry.

2853. Do you know any instance in which it has been done for the purpose of increasing the revenue of tithe?—Certainly, that would be the primary object.

2854. Do you find that the clergyman who has been at war with his parishioners, or the clergyman who is a humane mild man, has most influence at elections?—The humane mild man, certainly.

2855. Taking for granted that the man who is the most mild and humane has the most influence on the subject of elections, is it not clear that it is for the interest

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of no clergyman to litigate with the parishioners on the subject of tithes for the purpose of elections?—Certainly.

2856. Take the case of a lay impropriator?—A lay impropriator has no moral influence; he is generally unpopular in the parishes where he has the tithes.

2857. Do you know of any case where a clergyman of the Church of England has actually in his sermon inculcated upon his parishioners as a duty to vote against Lord John Russell and in favour of Mr. Parker?—Whatever information I have is merely from hearsay, and I should be very sorry to mention the name of any clergyman merely from the report of others, and especially in election times, when we hear so many vague reports.

2858. Do you not conceive that, in the independent state in which the press of different counties of England is, if any such circumstance had taken place in any parish in Devonshire, that fact would have been laid hold of and made use of in the liberal papers of the day?—I think not; because it would be a direct personal attack, which the proprietors of newspapers are anxious generally to avoid.

2859. You are not at all connected with newspapers yourself?—I have been, but am not now.

2860. What is that paper?—The Western Times.

2861. You are yourself a Dissenter?—I am.

2862. You do not feel prepared to specify any case in which a clergyman has preached a sermon, in which he has inculcated upon his parishioners as a duty to vote against Lord John Russell and for Mr. Parker?—I have heard reports of the sort of many clergymen having so done; these reports I heard in the committee room, and though the impression upon my mind is its having been done, I should rather be excused from mentioning any particular circumstance on such authority.

2863. How long have you been disconnected with the Western Times?—Two or three months.

2864. Though you are not prepared to mention names, can you state facts?—I know one gentleman in a parish spoken of, who after a sermon went off canvassing, and another who called his parishioners together in vestry, and harangued them against Lord John, and against the Catholics.

2865. Do those things come from an authority which induces you to believe them?—Yes; that a gentleman after preaching a sermon went canvassing, was told me by a person on whom I can rely.

2866. Do you believe it?—I do.

2867. Should you have any objection to give to any person in whom you have confidence, the name of any individual who has been so specified to you as preaching a canvassing sermon, so as to obtain information which could enable the fact to be verified?—If it is thought of sufficient importance, I will make further inquiry in Devonshire for the Committee, but at present I should rather be excused from mentioning the names of any clergyman; one circumstance I will mention, that at the election dinner of Mr. Parker, after the election the precentor of Exeter made a violent tirade against Lord John and his party, stating that he was supported by Irish Revolutionists and English Radicals, or to that effect.

2868. About the time of the election were sermons made against popery in the churches?—I apprehend so; I wish to be understood to speak in general and from report.

2869. Were more sermons made against popery about the time of the election than had been previously made?—Speaking from report, I should say decidedly.

2870. Do you believe that the persons who made those sermons had the election in their view?—That is asking me to give the impression intended to be made by the clergymen.

2871. Did not the clergy associate Lord John Russell with the cry which is designated as that of "No popery?"—Certainly.

2872. Having declared their sentiments with respect to Lord John Russell, did they, previous to the election, deliver sermons against popery?—I understood from reports that was the fact.

2873. With reference to the city of Exeter, are you aware of any sources of influence there affecting the elections with which you have been acquainted?—I think in the Exeter election for the city, the great evil we find in the Exeter election is, the influence of the corporation over the freemen.

2874. Exercised through what means?—There are some very considerable charities and almshouses in the hands of the corporation; those almshouses have always been given to the freemen, though in most cases they are for the benefit of the

the inhabitants generally; that has operated as an influence directly on the freemen occupying those almshouses, and indirectly as a temptation to others in case of vacancy.

2875. Has evidence upon the subject of the political influence of the corporation patronage been given to the corporation commissioners?—In the municipal corporation report there is the statement that those charities have been given to the freemen in preference, and in addition to that, they have considerable property in Exeter, and their tradesmen and their tradesmen's journeymen being frequently freemen also, give them a decided preponderance with that class of voters.

2876. Have they much work going on in their corporate property?—Yes.

2877. Is the work usually distributed among the political supporters of the corporation?—I should say universally; but in Exeter there were freeholders as well as leaseholders who had the franchise even before the Reform Act.

2878. Is there much influence exercised in Exeter by customers over their tradespeople?—A good deal; in canvassing for Exeter I have frequently received the answer, "Any gentleman that will vote for the ballot shall have my suffrage," for the intimidation used by the customers on the tradesmen is sufficient in many cases to deter them from giving a conscientious vote.

2879. The influence of the gentlemen in the neighbourhood is sufficient in many cases to deter from giving a conscientious vote?—Yes.

2880. Is the influence of the clergy sufficient in many cases to deter from giving a conscientious vote?—The clergy have no very general influence in Exeter, for there are no tithes under which they can exercise any influence except that moral influence which a respectable man will have over his neighbour.

2881. Is there any influence exercised over the beer dealers and publicans?—The influence over the publicans was much greater before the licensing system was altered than it is now.

2882. Is there any influence exercised by the lower orders on the small shopkeepers or publicans?—Certainly not the least; there may be a preference given to a particular house where their politics predominated.

2883. Have you known any case of an Union or a Friendly Society taking away their custom from one house and transferring it to another on the ground of politics?—I have not.

2884. In the course of the canvass for the city of Exeter, where you have stated you often heard persons say that they were influenced by their customers, was that answer given you by persons who were likely to give that as a mere excuse, or was it from persons whose opinions you were previously acquainted with, and whom you had reason to expect to support your party if left to themselves?—I believe a great number of the shopkeepers in Exeter are deterred from giving their votes according to their consciences, by the intimidation used by persons who deal with them and influence their votes.

2885. Are those customers resident in the town?—Yes, and in the neighbourhood as well; I do not mean to say that it is not exercised on both sides, for I have been too long accustomed to committee-rooms not to know that it is a question after each day's poll, "Who can influence this man, and who can lay the screw on another?" But the influence is much more powerful against us than for us.

2886. Is the manner in which that influence is used by the customer over a tradesman, or by the employer over a workman, used in such a manner that direct legislation against threats would prevent it?—I should say, certainly not; I know cases where a class of men will be independent, and vote against their master's feelings. I know a large ironmonger where the men voted one way and the master another, but the master, I believe, does not attempt to use any very powerful influence over them. But in other manufactories, perhaps, where the master does use an influence, they all go with him.

2887. The question referred to an Act of Parliament, making threatening penal, to put an end to that species of influence?—I do not think it is possible to do that.

2888. Do you think that a threat, if prevented by law being made directly, would not have quite so great an effect if made in an indirect manner?—I think it might.

2889. Do you see any mode by legislative enactment, of altering the present order of things by which influence is exercised and has its effect?—Only one way, and that is the ballot.

2890. Do you think Lord John Russell would have been returned if the ballot had

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had existed?—Decidedly so; in almost every parish where the voters were independent, Lord John Russell polled two to one. I believe the case of Broadhempstone is a very fair sample of the county of Devon.

2891. You think the poll would have been exactly the same as at Tavistock?—I do; speaking from information, I believe that in that district, as in the case of Buckland Monachorum, they are so decidedly Reformers, that they will in many cases resist even the influence of the landlord.

2892. On referring to the county election of 1832, did the small beer shop or small provision shopkeepers vote particularly on one side or the other in a body?—Certainly not.

2893. On which side did the small shopkeepers and small beershop keepers vote?—I think there was no general system among them at all; I should say that the small beershop keepers in general were not voters.

2894. How did they vote this last time?—I do not think that particular reference to their trade had any influence upon them.

2895. In 1832, the mob were exceedingly violent against Sir William Follett, were they not?—No; our mobs in Exeter are not very violent; there was a little ebullition in the evening perhaps, and the other day there was a little glass breaking.

2896. Would they beat a man if they caught him alone after the election?—No; the feeling was much stronger 10 or 20 years ago than it is now, we are more accustomed to elections.

2897. Is the feeling in favour of the ballot on the increase?—The feeling in the county of Devon in favour of the ballot is predominant to every other feeling.

2898. Since what period have you known that feeling in favour of the ballot?—It has been prevalent among them for many years, but now produced by their own knowledge of the way in which their neighbours are known to vote; it is not unanimous, but pretty nearly approaching to it.

2899. Do they think themselves they should be able to keep the secret of how they vote?—My opinion is, that if they had the power of secret voting they would resist canvassing, that they would consider it as a power vested in them to be exercised according to their consciences; many of those men would be bold enough to avow their votes.

2900. Then you conceive that the influence of property would be diminished by the ballot?—I think the undue influence would; that the moral influence would remain, but I think the undue influence of property would be shaken. I think, in general, if the men could vote according to their feelings, they would vote as the men of Broadhempstone did.

2901. Do not you think that in many cases if persons were entitled to vote by ballot they would determine their vote by the known wishes of the landlord in whom they placed confidence?—If it is meant confidence in his political opinion, assuming the tenant to have no political opinion of his own, that would be so; but there is a very large proportion of the yeomanry who have a political opinion of their own, they would exercise that even against the influence of the landlord; there is a pretty strong feeling among the people; they say the legislature has, by the Reform Act, given them that which is to them not merely of no value, but an injury, for it compels them to go to the poll and tell a moral lie, voting for one man when they feel it a duty to vote for another.

2902. Do they consider it as virtually telling a falsehood?—They do.

2903. That they are now compelled to tell a falsehood in the face of their country?—Yes.

2904. Might not the moral influence of a good landlord overcome a very strong political sentiment on the part of a tenant?—No.

2905. But where the sentiment was not of that strong and ardent character, do you not conceive the moral influence of a good landlord would induce the tenant to comply with the wishes of that landlord?—In some cases it would, no doubt.

2906. The instant the ballot was established, would there not be on the part of a landlord an entire absence of all canvassing, and of the attempt to make his moral influence felt?—I should say not his moral influence; I say a good landlord, like Sir Thomas Acland, whose moral influence is so good, that, differing with his politics, I should be very much afraid of his moral influence over his tenantry, but I do not think it would extend to the extreme it does now. Where the yeomanry are not intelligent, and have no strong political feeling, I think a man would have a great deal of moral influence.

2907. You said just now a clergyman of mild and amiable character, and exemplary conduct, would have more influence over his parishioners than a clergyman of different habits?—Certainly.

2908. Would not that influence continue with the ballot?—Certainly.

2909. Do you think that a landlord anxious to exercise political power in his own neighbourhood, would, if his sources and means of influence were taken away, be more inclined to increase the sources of what you considered his moral influence, that is, that he would take pains to impress his opinions as well as his wishes upon the minds of his dependents?—Certainly.

2910. Have you ever turned your attention to the mode in which secret voting might be accomplished?—Yes, I think it might be done without difficulty; the plan which has occurred to me is this, that there should be two rooms; in the outer room the voter should prove his qualification and identity, and be admitted into an inner room; that where there are three candidates, to prevent the man throwing his two balls into one box, then there should be a person present on the part of each candidate, brought from a distance, who does not know the voters, to see that they did not throw two balls into one box; where there was a single election, that would probably not be wanted, for a man would have but one ball; I would suggest, for greater certainty, that these strangers should be sworn to secresy.

2911. Does not it occur to you that the persons brought from a distance would be liable themselves to influence?—No, a friend should be appointed for each candidate.

2912. In the course of conversation, have you heard of many suggestions of mechanical means of different kinds by which you think this might be accomplished?—I have heard of many, but the one I have suggested appears to my mind most clear; there is no difficulty in his doing it secretly, and I think it might be done with safety; gentlemen might be brought, for instance, from London to Devonshire to be stationed in the inner room, who did not know the voters.

2913. Are you acquainted with the mode in which the elections are conducted in France, or in the state of New York?—No, I am not.

2914. Do you see any material difficulty in devising mechanical means?—Not the least; and I state I am perfectly satisfied that the 50 *l.* clause, and the open voting and purity of election, are perfectly incompatible with each other.

2915. Why is the 50 *l.* clause more incompatible than the 10 *l.*?—The 10 *l.* is bad without the ballot, but the 50 *l.* is worse; the influence over the ten pounder is, that when a life may die at 10 years or seven, after the election he will require a renewal.

2916. The question refers to the 10 *l.* householders?—The influence of the landlord over the 10 *l.* householders has in Exeter been of no weight, for if turned out they might become tenants of other houses; the owners of houses are anxious not to lose good tenants; a landlord in 1832 sent round in Exeter to threaten his tenants, and I said to them directly, "Send word to him to say, if he does not vote for your candidate, you will leave his houses."

2917. Are there not many parts of the country where it is very difficult to get a 50 *l.* tenant?—It is not the case with us.

2918. Do you not know many cases where the land is in the hands of the owners because they cannot get tenants?—Not good land; with us the answer to the question proposed as to the difference of influence on the two classes of tenants is very plain; first, because from the state of agriculture the farmers are generally behindhand in the rents of their farms; but it is not so with the tenants of houses in towns; and also when a man takes a farm he embarks a considerable capital, and to be turned out of that farm would occasion him a very great loss; this is not the case with houses in towns.

2919. Would you object to the 50 *l.* clause provided there were secret voting?—Certainly not; they are a very fair class of people to be intrusted with the franchise; in some of our districts they are uneducated, but in others they are an intelligent set of people.

2920. In any case where you have heard of any clergyman preaching a political sermon, or exercising any influence, has that been attended with any threat, or only in reliance upon the affection of his congregation and the truth of his doctrine?—I do not speak of any particular circumstance, I speak only of the general information I have received under circumstances on which I would not place so much reliance as to make it matter of evidence.

Mr. *James Terrell.*

4 June 1835.

2921. Had the clergyman any influence over his people except that arising from the nature of his doctrine?—I have stated in the early part of my evidence the nature of the influence of the clergyman, that arising from advice, of course no one can object to that influence; but what he possesses as tithe-owner, or as a magistrate, is of another description, and much more objectionable.

2922. Have you any evidence to give as to the effect of the influence of the magistracy?—The influence of the magistracy would be of course very considerable, and more especially as to the publicans in regard to their licenses; I do not mean that any magistrate has used any particular threats in any case, but I know that the influence of magistrates would be very considerable over persons in that situation.

2923. Have you any evidence of such influence having been used?—Certainly.

2924. Must not an influence necessarily arise from the possession of property and station in life, though not intended to be improperly exercised?—It would, notwithstanding the ballot; if a publican votes against a magistrate or bench of magistrates, being all of one political feeling, he would be afraid his license would be affected by it.

2925. With reference to the mode in which influence is exercised by landlords over tenants, can you show any letter which will illustrate the manner in which it is done?—I hold in my hand one which is written by Mr. John Chapple Tozer, an attorney of Teignmouth, who was one of the agents for Mr. Parker, to the leaseholders of the Earl of Devon; the leaseholders there are for 99 years, determinable on lives; he says, "Teignmouth, April 24th, 1835:—Sir, As I have reason to think that you are desirous of knowing whether the Earl of Devon feels any interest as to the result of the approaching election, I have the pleasure of informing you that his lordship will be glad to hear of the return of Mr. Parker, on whose behalf I beg leave to solicit your vote and interest. I am, Sir, your most obedient servant, *John Chapple Tozer.*" It will be perhaps right for me to state, these letters were sent I believe to the tenants in East Teignmouth, where the Earl of Devon is lord of the manor, but they had not the desired effect, or perhaps even a contrary effect, for the leaseholders were very indignant at that sort of influence being resorted to; and at a public dinner a few days before the election, one of the tenants openly spoke of this letter, and with a good deal of indignation; it was reported in the papers, and got to the ears of the steward of the Earl of Devon, and on the Sunday, the day before the election, he went and sent into many of the parishes belonging to the Earl of Devon, and used powerful influence on the tenantry. I have spoken of the case of Mr. Bear, and also in the parish of Alphington, and I believe it had the effect of polling many votes against us who had promised for us, and the silencing a great many others. The Earl of Devon, up to the present election, has never exercised any influence, nor in this election was it urged to any great extent until the day before the poll, except by allowing Mr. Parker's agents to write letters of this sort; there is no threat, it is cautiously worded, but it is just that sort of influence which no legislative enactment can guard against.

2926. Did the interference of the agent, so far from having had any prejudicial effect, have the effect of inducing the people to vote for Mr. Parker rather than against Lord John Russell?—In the parish of Teignmouth it did not, but in the parish of Alphington and Kenton it had the influence of making men who had promised to vote for Lord John vote for Mr. Parker, and silencing a great many others; I know one instance; one, a very respectable man, who was a staunch Reformer, who said he should vote against his conscience, but that as something was said at the Teignmouth dinner against the steward, therefore he should vote for Mr. Parker.

2927. You attribute the little effect that letter had in the parish of Teignmouth to the circumstances of the tenants in that parish?—They are merely holders of houses on which they may want renewals of lives, but which may not soon occur.

2928. In other instances where you say the influence did take effect, are they under different circumstances?—They are a smaller class of leaseholders, over whom the influence would be stronger.

2929. If the whole of those smaller tenants in the other parishes had met together, and had expressed themselves in terms equally indignant, would not they have had the power of resisting the attempt made against them?—I think generally they are not in a condition of life to resist it.

2930. Have you not said that most respectable persons, having their capital embarked in their farms, are more peculiarly subject to the influence of landlords?—They

—They are not farmers in either instance, they are housekeepers; some in Alphington are farmers as well.

2931. You were understood to say that the leaseholders of 50*l.* a year of the wealthier class, are more easily intimidated than men of the lower class?—They are more interested, but those at Teignmouth are householders, who had no capital embarked; the distinction is a very wide one.

2932. Has Lord Fortescue any property in that division?—I believe he has a small property towards Kingsbridge, but not very extensive. There are 11 votes in Alphington, who almost all gave a vote for Mr. Parker, beside a number who did not vote at all, after they had promised to vote for Lord John Russell.

Robert Scott, Esq. called in; and Examined.

2933. ARE you resident in the county of Worcester?—I am.

2934. Are you a magistrate?—I am.

2935. Have you taken part in the elections for that county?—I have taken some part in those elections.

2936. Are you aware of any instance of threats exercised by any class of persons over persons dependent upon them at the last election?—I have heard one instance of a threat held out on the part of a banker in Stourbridge, which is proved by the hand-writing of the parties, therefore it is a clear case; there is some little explanation perhaps required about it; I have brought with me the two letters. During the late contested election, when Mr. St. Paul was a candidate on one part, and Messrs. Cootes and Holland, the sitting members, on the other; a gentleman of the name of Hunt, a solicitor, who acted on the committee of Mr. St. Paul, had been professionally engaged in preparing a mortgage from a voter, a man of the name of George Richards, to the bank of Rufford and Co., at Stourbridge; the mortgage was nearly prepared at the time of the election. In the committee-room Mr. Hunt wrote this letter, which was sent to Richards:—"Mr. William Hunt will be obliged to Mr. George Richards, if he will give his vote and interest in favour of Mr. St. Paul; under the present circumstances, of having accommodation from Messrs. Rufford and Co., it will be a prudential course in Mr. George Richards to vote with them; this Mr. William Hunt merely mentions to put Mr. Richards on his guard."

2937. Were any words underscored?—No, not in the letter; it was soon discovered that Mr. Richards was determined not to submit to this dictation, and that he should vote according to his principles; the letter was seen by different persons and was shown to myself, in consequence of which, in order to soften it, this letter was written: "Sir,—I wrote to you to solicit your vote and interest for Mr. St. Paul merely as a friend, and alluded to the parties mentioned in my letter to call your attention to the arrangements now going on with them; it was done without their knowledge, and I had no other wish than to promote your interests, and without the slightest intention of controlling your choice of candidates." This letter, if the fact had never got out, would never have been written.

2938. What is the date of those letters?—The first, January the 5th, 1835, the second is January the 7th.

2939 In the mean time the first letter had been circulated?—It had been made known to many parties in the town.

2940. Had it been published in a hand-bill?—It was, after the second letter was written; they were both published for electioneering purposes.

2941. Was Mr. Hunt engaged in the bank?—He was acting as Mr. Richards's solicitor, but he was intimate with the partners in private life, and this was written in the committee-room, as canvassing for Mr. St. Paul. I believe Rufford and Co. were not aware of the letter being written at the time, it was done from his opinion of what their conduct would be under certain circumstances; but to show the feeling they entertain on elections, some transactions took place after the election which it is very important to state: Mr. Richards voted for the Whig candidates, and shortly after the election the bankers, Rufford and Co., took up the case in this way: at two o'clock on one day (I have not got that letter with me, though I have seen it) their solicitor wrote a letter to Richards requiring him to pay the money, about 600*l.* before four o'clock the same day, or else a writ would be issued; this letter he, being from home, never saw till after four o'clock; a writ was accordingly sent for, and the money was provided for him by other parties; the security being ample, and the mortgage paid off; but he had to pay the expenses of

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the writ; therefore, by their writing in that way afterwards, it strikes me that they countenanced the act of Mr. Hunt before.

2942. This was a mortgage the bank had on his property?—They had advanced him money; that was an advance before the mortgage, and the draft was actually drawn as a security. There is another circumstance with regard to this bank which I cannot prove so decidedly, but a letter was sent requesting the vote of another party who had a mortgage from the bank: a letter was sent by one of the clerks of the bank; his brother's name was Adderley; the security was ample for the mortgage there. I cannot state exactly what took place, but I believe some message was delivered with the letter, which was rather stronger than the letter.

2943. Do you believe that circumstance did take place?—I do.

2944. From what evidence do you believe that fact?—I heard it from the gentleman himself.

2945. Have you any doubt of such letter having been written?—I have no doubt; but I do not know that the letter went further than the asking for the vote; I do not believe there was any threat in the letter.

2946. Have they given any notice to Adderley about the mortgage since?—No.

2947. Which way did he vote?—He voted for the Reform candidates; the mortgage was not executed

2948. No measures have been taken against him?—No; the security is most ample.

2949. Are you cognizant of any other circumstances where influence was exercised by creditors or persons having influence of that description over their debtors?—There are several instances where parties have expressed a willingness to vote, but then their property being mortgaged, they have not been able; I do not know it with that particularity as to be able to state an instance. Another class of intimidation I should wish to state, that of the constables and overseers: a man of the name of William Siderway, in the parish of Old Swinford, in the county of Worcester, who was 71 years old, his wife is 63; he is not able to get his living from his work, and for a long time he has had a shilling a week from the parish; Mr. Siderway having received small allowances from the parish, and living in his own freehold, the man was duly registered as a freeholder on the list; he was watched by the overseer; he went up to vote, and gave his vote for Messrs. Cookes and Holland; on Friday, which was the pay day, he went as usual to receive the shilling, and was refused, nor has he ever received any money from the parish from that time. I applied to the overseer and asked the reason he had been refused, to which he said the reason is, that he is a freeholder. I said, supposing it is right that a freeholder should not receive, it is very unfortunate this power should be exercised immediately after the election; it will produce a bad impression in the parish, and make it appear that the overseer acted from political motives; "but you must have known from the time he was registered he was a freeholder; he has been on the register two years, and you struck him off the very day after he voted;" that is another kind of influence, it is not always easy to prove the influence exerted.

2950. Had he been canvassed by the overseer before?—He had been canvassed by a party who almost threatened him, but that party, whether he was sent by the overseer or by one of the magistrates, who was an active partisan in favour of Mr. St. Paul, I cannot say.

2951. What do you mean by almost threatened him?—He was told that it would be better for him to vote in such a way; but the words I have not heard from the man himself.

2952. Did the man himself tell you he was told it would be better for him?—I have not that distinct evidence of the fact that I should like to speak to it; I heard it from a party who, I believe, heard it from him; but that is not direct evidence; the other fact I know myself, for I applied to the overseer.

2953. Is it the practice in that part of the country to relieve persons who have property of their own?—Yes, it always has been; there are a number of freeholders who are not able to make a sufficient maintenance, and they live in their own freehold; if the parish were to say, we will not relieve you as long as you have a freehold, they would have to sell their life interest and so go into the workhouse.

2954. Did the overseer give any reason why he had not struck him off before?—He only repeated that it was found he was a freeholder.

2955. Was he the same overseer who had been in office from the time he was registered?—Yes; it is the assistant overseer.

2956. Was he an assistant overseer under Mr. Sturges Bourne's Act?—Yes, with a salary.

2957. Had any other freeholder been struck off?—At former elections, one man had.

2958. Are there any freeholders receiving relief now?—Yes; and the man himself mentioned another to me, showing how he had had his eye upon them, a man 90 years old; he said, "if we wanted to strike them off for their political feelings, we should have struck off that man of 90 years old."

2959. Did the man of 90 vote the same way?—Yes, he did. There is another kind of influence exercised by constables not under the direction of a magistrate, but when there happened to be a number of magistrates who take an active part in politics, such a constable knows what kind of conduct would be pleasing to those magistrates, and they, I think, sometimes use their authority as constables (which is too much an irresponsible authority in this country) in issuing summonses and looking after beer-shops and things of that sort, rather with a view to party purposes. I had a complaint the other day as I came out of Stourbridge made to me by a licensed victualler, stating that the soldiers just brought into town, with a view to the Staffordshire election, had been unfairly billeted; I was coming from home and had not time to inquire into it, but in the performance of my duties as a magistrate, it appears to me that the constables had acted from party views. We have one constable, who, though a very good constable in other respects, is a violent man, and when Mr. ———— was a candidate he wore the colours of the party, and headed them into the town when they were riding in procession; I complained to him before the last election, and stated, I hoped this would not occur again.

2960. The only exercise of influence appears to be your desiring him not to appear with the colours of the candidate?—He appearing as a constable.

2961. Is he a voter?—He is not.

2962. Do you conceive he exercises influence over the voters in any way?—Yes, certainly; I conceive he does.

2963. In what way?—By the power the constable has of bringing information against the keepers of beer-shops.

2964. Has he ever brought informations before you?—After this election many informations were brought, and they were all brought against the parties who voted on one side—charges of riot.

2965. Were they brought by this constable?—This constable went to the sessions and acted as solicitor, and conducted several prosecutions for riots, which all ended in acquittal.

2966. Did he bring any of those proceedings against the beer-houses?—I am not aware that he has since the election brought any; I have not attended much at petty sessions since the election; I have been a good deal from home.

2967. Are you able to speak as to any other sorts of influence, such as landlords over tenants exercised during the election, from any thing like evidence which came before you?—If I had been at home I could have adduced one instance of the kind, where notice was served upon the tenant, but not having seen the letter I cannot state it sufficiently. With reference to the interference of some of the clergy of my parish at the late Staffordshire election, I understood the Rev. Mr. Bevan, of Wombourne, in Staffordshire, interfered some weeks ago, when nearly the whole of the county was canvassed by one party; he took round a paper and got almost every voter in the parish to sign it, pledging himself to vote for the party who should be brought forward on that side.

2968. Were those persons in any way under his temporal influence?—Not that I am aware of.

Lunæ, 8° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Francis John Gunning*, called in; and further Examined.

Mr. *F. J. Gunning.*

8 June 1835.

2969. IN your evidence before this Committee, you expressed yourself of opinion that voters voted at the election for the borough of Cambridge in consequence of expectations of advantage to be derived from the University if they voted in a particular manner; you expressed also an opinion that it would be desirable to adopt a mode of getting rid of the influence which caused those expectations; do not you think that when a Member of the Government stands as a candidate, parties will necessarily entertain expectations of advantage if they vote for him?—I think they may, certainly.

2970. Do you think it is possible to get rid of that expectation?—I do not know that it is possible altogether to get rid of that expectation in the minds of those voters who are so influenced.

2971. Should you think upon the whole that more persons had benefited by voting according to the wishes of the University, or according to the wishes of a Member of the Government?—I should say more decidedly according to the wishes of the University.

2972. Upon what do you found that?—Upon the influence I have seen exercised by the University, and the very slight advantage I have seen derived by the other party from the Government.

2973. Have not more persons derived actual advantage from the support of Government in the last instance than from the support of the University?—I do not know half a dozen persons who have derived advantage either in the one way or in the other.

2974. If you could abolish the local influences, would not the necessary consequence be, that that would give any Member of the Government who stood for the place a great predominance?—I very much doubt whether a vast number of them were influenced by any expectation of that kind of the class of voters I allude to.

2975. What is the ground of expectation of the voters on the other side?—It is impossible for me to say what benefit other people expect.

2976. Is it a pecuniary advantage?—It probably may be in the nature of Government appointments upon the one side, and of licenses for public-houses or for lodging-houses, or employment by tutors of colleges as tradesmen, upon the other side.

2977. If you abolish all other influences, and are not able to abolish the influence which the Government is supposed to exercise, do not you give a great preponderance to the Government candidate?—I think the expectation of benefit from Government is very limited indeed, and that that would give very trifling, if any, advantage.

2978. You have spoken in your evidence with respect to a declaration made in consequence of a general impression upon the subject of intimidation, which bears date the 11th of March 1835; on which side had Government influence been exercised at the election previous to that?—The election immediately previous to that was in January; upon that occasion both the Government and University influence were opposed to the candidate whom I supported.

2979. Then upon that occasion there could not be that balance between Government influence upon the one side and University influence on the other?—Certainly not; indeed I do not consider it a balance of influence under any circumstances.

2980. You said that upon a former occasion those interests might have been supposed to be opposed to each other?—Upon a former occasion the Government candidate and the candidate supported by the University were opposed to each other.

2981. You have said that you are not aware of more than half a dozen persons who have in any way benefited by Government patronage?—I named half a dozen in a general way, but I am not aware of half a dozen cases; I am only aware of one case, that is, of a gentleman who has gone to New South Wales as a crown solicitor.

2982. But

2982. But though the appointments may be few, may not the expectation derived among the number of voters be very considerable?—It may be, for aught I know.

2983. As far as the expectation is concerned, that expectation would have ceased at the time when that candidate ceased to be a Member of the Government?—Certainly.

2984. You have been asked a question respecting the possibility of abolishing all those influences which you have previously described as acting upon the electors of Cambridge, do not you think that any alteration in the mode of voting which would reach one species of influence might also be made to reach the other species of influence?—I think the same means which would remove the influence of expectation of advantage to be derived from the University, might also be used to remove the expectation of advantage from Government appointments; I am not talking of direct bribery.

2985. You stated in answer to questions put to you in your former examination, that before the election in June last, the day appointed for licensing lodging-houses was named by the vice-chancellor; and that after the day was appointed for granting these licenses, an event took place which caused an election for Cambridge; that the vice-chancellor then altered the day for licensing lodging-houses, and appointed a subsequent day to the election; what was the event to which you allude as causing an election for Cambridge?—It was either the appointment or the expected appointment of Mr. Spring Rice as colonial secretary.

2986. Can you state the day when it was first known at Cambridge?—I cannot say the day when it was known, but there was a confident expectation of it as soon as Mr. Stanley had resigned. The notice of the alteration was on the 28th of May; that notice is general, stating that the day was unavoidably postponed, and giving no reason whatever.

2987. Can you state the day on which it was known in Cambridge that Mr. Rice was to succeed Mr. Stanley?—I cannot say the day on which it was known, but I dare say it was known in Cambridge on the arrival of the following post from London.

2988. The notice of the postponement was given on the 28th of May?—Yes.

2989. Do you know the day on which it was first surmised in London that Mr. Rice was to succeed Mr. Stanley?—I believe as soon as Mr. Stanley's resignation was known.

2990. Were not there rumours the next day in the papers that Mr. Rice was to succeed?—There were, and there was canvassing immediately.

2991. On what day was Mr. Stanley's resignation?—I cannot state that.

2992. Was not it after Mr. Ward had made his speech upon the resolution?—I cannot tell whether it was after that; I believe it was, but I really do not know.

2993. It appears that the motion upon the Irish Church was made upon the 27th of May; do you remember that the debate was adjourned after it was commenced, in consequence of Lord Althorp stating that there had been resignations of some of his colleagues?—I have an impression that it was so.

2994. Do you know whether that took place before the post of the 27th, or after that?—I really cannot tell.

2995. At what hour was the notice affixed in the senate-house postponing the day for granting the lodging-house licenses?—I cannot tell that; but I beg to state that I have understood that on the day in question, on which this notice was given, the then vice-chancellor (being then in London) came down and issued the notice.

2996. Do you mean to say that the vice-chancellor was in London upon the 27th?—I have so understood; I do not mean to state that as a fact. I understood that he was in London on that day, and that he came down, and on the following day the notice was issued.

[*A Notice was shown to the Witness.*]

2997. You have no doubt that that is the notice?—No.

[*The same was delivered in, and read, as follows:*]

"Queen's Lodge, May 28, 1834.

"NOTICE is hereby given, that the days appointed for the licensing of lodging-houses are unavoidably postponed to Thursday and Friday the 26th and 27th of June.

"*Joshua King*, Vice-Chancellor."

Mr. *F. J. Gunning.*

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2998. Was it posted in the senate-house upon the 28th?—I do not think it was posted in the senate-house, it was exhibited in the shops.

2999. At what time do you get the newspapers?—I get the morning papers at about half-past two.

3000. At what time do you get the evening papers?—At 8 o'clock.

3001. You were understood to say, it was known in Cambridge upon the 28th, that Mr. Rice was to be Mr. Stanley's successor?—It was supposed that Lord Althorp was to be Mr. Stanley's successor, and that Mr. Rice was to be Chancellor of the Exchequer.

3002. And you think that as early as eight in the morning, an event which took place upon the 27th, after post time, could have influenced the vice-chancellor in issuing the notice?—I have not stated that. When I stated that the resignation of Mr. Stanley took place, and that subsequently to that the vice-chancellor issued this notice, altering the day, I did not state that he obtained his information by post the following morning, because I believe he was in town on that day.

3003. You admit that this notice was posted on the 28th; do you know the day on which Mr. Rice's writ was moved?—I do not know that, but the nomination was upon the 10th of June.

3004. Do you know the day when Mr. Rice wrote to any of his friends?—No; I happened to be in town, and I saw Mr. Rice on the day when he kissed hands.

3005. Was that the first intimation you had of it?—The first information that the event was actually to take place.

3006. Had you any communication with Mr. Rice?—I wrote to him to say, that I should be in town, and begged to know if he had any communication for me, and he wrote to beg me to call when I was in town, and I did so.

3007. And that was not so early as the 28th of May?—Certainly not.

3008. Are you sufficiently acquainted with the ordinary proceedings of political parties in boroughs and counties, to know that it is frequently the practice for the adverse party to anticipate and act upon a probable vacancy, before that vacancy and the event which occasions it is actually known by the friends of the candidate who occasions that vacancy?—Certainly, before there is certain information of the event.

3009. Does not it, in point of fact, very frequently occur that the adverse party begin canvassing first upon those occasions?—It frequently occurs that the party which is to make the opposition begins canvassing first. Having acted in every contested election for the last 10 years at Cambridge, I have always recommended my friends not to stir till the other party stir, not to anticipate a contest.

3010. Do you know whether upon the 27th or 28th any communication was received from Mr. Rice or any of his friends, stating that it was probable there might be an election?—I believe not.

3011. You say that the day was postponed without any cause assigned; do not you know that on the day originally fixed for licensing, the vice-chancellor was obliged to be absent from the University?—I do not know that; I do not know where the vice-chancellor was, or how he was occupied on that day.

3012. Are you related to one of the squire beadles?—I am his son.

3013. Have not you made any inquiry from your father to know whether the vice-chancellor had an engagement that took him from Cambridge at that time?—No.

3014. You do not know that he was obliged to attend the Archbishop of Canterbury on the very day that was originally fixed for the licensing?—I do not.

3015. You have stated the case of a lodging-house keeper, who employed you to apply for payment to a young man, and whose license was afterwards refused by the vice-chancellor; what is the name of the lodging-house keeper?—King.

3016. Did you derive the information of the detail of this proceeding from him?—From himself.

3017. Then the Committee understand that the dispute between him and the vice-chancellor arose long previous to the election, and the vice-chancellor had communicated to him that he should not grant him a renewal of his license?—Yes.

3018. Do you know what was the cause of the dispute between the young man and the lodging-house keeper?—I know no cause of dispute whatever. The person applied to me to make application to this young man for the payment of a sum of money. I wrote to him, and upon that he communicated the circumstance to the vice-chancellor, and the vice-chancellor then said he should suspend his license.

3019. What was the bill for?—For lodgings.

3020. For what time?—I do not know; I think the sum was 23*l.*

3021. Did he pay the sum?—He came to my office and paid it.

3022. Did not Mr. King inform you that the question was, as to the rate charged, and not as to the amount due?—No.

3023. Did not he tell you he had charged the same amount for his lodgings during the vacation that he had charged during the term?—No.

3024. Do you know that that is the fact?—I do not; I never asked him what was the cause of the dispute; I applied for the money and it was paid, and I presumed that it was a just demand from that circumstance.

3025. Do not you know that the practice at the University has been, that persons during the vacation do not charge the same amount?—I do not know that.

3026. How long have you lived at Cambridge?—Twelve years; but I have very little communication with any persons upon that subject.

3027. You stated that the reason of his losing his license was, that he had taken out a proceeding against the young man?—That I had written a letter to the young man was the objection made to granting his license again.

3028. He did not tell you that the objection against him was his having continued to charge during the vacation the sum agreed to be paid during the term?—He did not.

3029. And you do not know whether it was so?—I do not; I concluded that the vice-chancellor was not very unrelenting, because an application was made to King afterwards from the vice-chancellor for his vote.

3030. By whom?—By the vice-chancellor's butler.

3031. Who told you that?—Mr. King.

3032. Did he tell you that the application came from the vice-chancellor?—He told me that the butler came with the vice-chancellor's compliments, requesting him to vote for Sir Edward Sugden; I believe I have that in Mr. King's hand-writing.

3033. You have said that the gentleman was a bachelor of arts, does that make any difference as to the course in which the pecuniary concerns are regulated in the Universities?—I believe that all persons *in statu pupillaris* are under the same discipline.

3034. You have stated in answer to question 109, "After the election in June 1834, two men employed in the University Press were discharged for alleged incompetence," did you state that as an instance of the interference of the vice-chancellor?—I did not state it as an instance of the interference of the vice-chancellor, I stated it as a fact; that was the inference, but I only stated it as a fact.

3035. Do you know who manages the University Press?—I rather think Mr. Smith, but I am not aware who manages it practically.

3036. Do you believe that these men were discharged in consequence of any interference on the part of the University?—I have no reason to say that.

3037. Then what was your reason in stating the fact?—If I am asked whether I have an impression upon that subject in my own mind, I state that I have.

3038. Do you know the names of the two men?—Steirs, who is now in the employment of Messrs. Hansard; and Galley, who has been restored to his former situation.

3039. You say in answer to question 171, that certain licenses were granted as a recompense to voters if they voted in a particular way, and that there was one individual who expressly stated that if he voted for one particular party, he expected to get a spirit license, can you state the name of that individual?—It is either Shallow or Langton; there were two cases.

3040. How many licenses were granted?—I know only two cases.

3041. Langton is one, was not Coy another?—No, Coy's was a case of a British wine license, and a retail spirit license.

3042. Is Langton the man that you believe received his license as a recompense for having voted?—I was so informed, and I believe he did.

3043. On what do you found that belief?—Upon statements that have been made to me upon the subject; I found it upon the fact of his having obtained the license, and the fact of his having formerly entertained different political opinions.

3044. Did he entertain different political opinions formerly?—In the first instance, when Mr. Spring Rice went down, he did, for I canvassed him.

3045. Had he ever applied for a license before?—I do not know that he had.

3046. Do you know whether he first applied for a license before or after the election?—I cannot say.

3047. You did not hear it from himself?—No.

3048. Did you hear it from any person who had the means of knowing?—Yes, I heard it from a person who I should think was very likely to have known.

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3049. Who is that person?—A person of the name of Aptholl, a clerk of my own.

3050. Was he in communication with Langton?—I do not know that he received the information from Langton, but he gave me the information upon which I found my opinion.

3051. Can you state from the poll-book how he voted at the election of 1832?—Langton voted for Sir E. Sugden.

3052. Therefore, so far as regarded Langton, he did not change his opinion upon that occasion?— He voted for Sugden in the first instance, with Mr. Pryme.

3053. It was not unnatural, therefore, that he should continue to vote for the same person?—I do not know that it was unnatural; at the election in 1835 I think he voted for Mr. Knight only.

3054. Do you happen to know a case that Mr. Foster refers to afterwards of the spirit license?—I only know the fact of his having received a license to retail spirits, and to sell British wines, and he certainly changed his opinions. I know his opinions distinctly, and the gentleman in whose employment he is was upon Mr. Spring Rice's committee in June last; he voted a plumper for Mr. Knight at the last election.

3055. Do you know a person of the name of Bridges?—Yes.

3056. What are his political opinions?—Whig.

3057. Do you know a Mr. Orridge?—Yes.

3058. What are his opinions?—The same.

3059. Do you know Mr. Wilson, who lives in the same parish with them?—Yes.

3060. What are his opinions?—Liberal.

3061. Do you know that they recommended Mr. Coy for a license?— No.

3062. If they did recommend Mr. Coy for a license, you might perhaps not think that it was a strong political opinion that induced Mr. Coy to have a license?—I do not mean to say that Mr. Coy was undeserving of a license, I only mentioned the fact of his having voted in that way, and the fact of his having obtained the license.

3063. Do you suppose that the one was in consequence of the other?—I think probably it was so.

3064. If a man is recommended for a license by persons professing liberal opinions, and the vice-chancellor grants it to him, is not the presumption as strong the one way as the other?—The vice-chancellors have not paid much respect to the recommendations of gentlemen of liberal opinions in general.

3065. Do you happen to know any thing of the circumstance about a stone-mason that Mr. Foster refers to; he says, "That the vice-chancellor has taken the business, to which he may appoint, from a stone-mason, who has constantly been a liberal man, and voted for the liberal candidates till the last election, and he then gave it to a friend of the Tory candidate's side, and he gave no reason for the change?"—I have heard so.

3066. Do you know the name of the stone-mason?—Yes, I believe it was Swinton; I have been told so by Mr. Foster himself.

3067. Were you with Mr. Rice when he canvassed?—No, my duty was in the committee-room; I did not canvass except in the first election of 1832. May I be allowed to say one or two words upon the subject of bribery, upon which I was examined? I prosecuted to conviction two parties for bribery at the last election, and obtained penalties at the suit of Professor Henslow, and I wish to state what has become of those parties, in order if possible to suggest a remedy for that which I consider a defect in the law; one person was taken and sent to gaol, and has filed his petition to be discharged under the Insolvent Act. Now if he should be found by the commissioners, upon his appearance, entitled to his discharge after having been in gaol a few weeks, the punishment for the offence of bribery would be exceedingly slight; I will beg leave to suggest, therefore, that it might not be inexpedient for the Committee to consider whether they could not provide against such a case happening in future; that person is now, I believe, supported by the party whom he attempted to serve by his bribery, and I am told that the money that might have been collected to pay the fine and the costs, will be applied to the support of that man. With regard to the other defendant, a very large subscription, I am informed, was made, which has been given to the individual, who has gone off to Canada. It does not occur to me that any remedy can be applied to a case of that sort; but with regard to the former, I think it might be, providing that the party should not be entitled to his discharge. With regard to this individual also,

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a true bill is found against him, upon an indictment for eight attempts at bribery at the last election, which is traversed, and which is to be tried at the approaching assizes. If this man should be discharged by the insolvent commissioners before that trial, it is very probable that he will evade the punishment for those offences, because the magistrates have held him to bail, himself in the sum of 50 *l.*, and two sureties of 25 *l.* each, a sum evidently insufficient to retain a man for trial upon eight charges of bribery.

3068. Were those borough magistrates?—They were.

3069. Did they take an active part in the election?—They did.

3070. Did they bail him for the same amount in the prosecution for which you now have him in prison?—No, he was not bailed upon that; it was not a bailable offence.

3071. How is it that he has been bailed now?—The one is in the nature of a civil action, and the other is a criminal charge.

3072. Then you have held him upon eight misdemeanors and only one civil charge?—Yes.

[*The Chairman delivered in the following Return; and the same was read.*]

RETURN, in obedience to the Order of the Select Committee on Bribery at Elections, of the Honourable The House of Commons, July 1, 1835.

THE day on which the Notice of postponement of the Licensing Day for Lodging-houses, (which bears date the 28th of May 1834), was printed, was on Tuesday, the 27th of May at the University Press, Cambridge.

Cambridge: July 2d 1835. (signed) *J. Smith,* University Printer.

Mr. *James Terrell,* called in; and further Examined.

Mr. *James Terrell.*

3073. DO you wish to add any thing to your former evidence?—Since I was last examined, I have found among my papers a letter from a very respectable yeoman in Devonshire, in which he gives me some information upon the subject: speaking of the vicar of an adjoining parish, he says, he "never interested himself in former elections; when the late ministers resigned, he immediately exerted himself, and went round to his parishioners, the electors persuading them of the ill consequences that would ensue if they voted for Lord John Russell, and was constantly teasing them up to the day of election; he went several times to some, trying to persuade them contrary to their opinions, and, after the election, went to one person and was very angry because he voted for Lord John Russell, he having told the parson he would not go to the poll the first day, if he did, he would forfeit 5 *l.*; therefore, the parson thought he would not go, but he went the second day and voted for his lordship. I hear the parson was so much excited about the election, that he had a clergyman to come from the neighbourhood of Exeter to do duty for him on the Sunday, the day before the election; he preached in the morning a political sermon, as I am told by the parishioners; his text was taken from 1 Cor. ix. 24: 'Know ye not that they which run in a race run all, but one receiveth the prize? So run, that ye may obtain.' He speaks of that as a political sermon, taking that as the text."

3074. Did the substitute preach this sermon or the clergyman?—The substitute. He says further, "the parish is rather under the influence of the Dean and Chapter of Exeter; there are 49 electors in the parish, 27 voted for Lord John Russell, 14 for Mr. Parker, and eight did not vote. I think there are six out of the number that voted for Mr. Parker, if they could have used their own mind, would have supported Lord John; and out of the eight that did not vote, there are four that would support his lordship; one of the four was in London; two of them, after they had promised to support Lord John, would not vote because they could not as they wished; the parson and Mr. C—— had been to them using their exertion, &c. to vote for Mr. Parker, and the other would not promise any one for fear of offending the Tory party." The gentleman who writes this letter lives in the adjoining parish, and he speaks from information received from the parishioners. There is another instance of intimidation which I wish to mention: Mr. Henry Burdon Ashe, he holds the office of coal-meter to the harbour under the Earl of Devon; he and his brother had always been most active partisans in the cause of Reform, and, previous to the last election, had been canvassing for us up to the last day, or the last but one before the poll; influence was used with him, amounting, I imagine, to intimidation, because so zealous a partisan as he has been, could not have

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have been swayed by a moderate influence, and he was not merely silent, but he was brought to the poll to vote for Mr. Parker against his conscience, although he had declared the day before that he would not.

3075. By whom was the influence exercised?—By the Earl of Devon's agents.

3076. Is the office of coal-meter in the gift of the Earl of Devon?—Yes.

Jovis, 11° *die Junii*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Thomas Edgworth*, called in; and Examined.

Mr. *T. Edgworth.*
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3077. YOU are a solicitor at Wrexham, in Denbighshire?—I am.

3078. Have you had a knowledge of the elections for the Denbigh county, and also the elections for a district of boroughs in Denbighshire?—For the boroughs, as far as regards Wrexham and Holt.

3079. What are the boroughs?—The boroughs were Denbigh, Ruthin and Holt; and under the Reform Act, Wrexham, added to those three boroughs.

3080. Does your knowledge extend to the two elections since the Reform Act passed?—Yes.

3081. Was there any contest in the last election, and also at the preceding election?—There was both times.

3082. Was there any contest for the borough at the last election?—Yes, but not at the preceding election.

3083-4. Who were the candidates for the county at the two last elections?—At the first election, the candidates were Sir Watkin Williams Wynn, Mr. Myddelton Biddulph, and the Hon. Lloyd Kenyon; at the last election, Sir Watkin Williams Wynn, Mr. Myddelton Biddulph, and the Hon. William Bagot.

3085. The present members are Mr. Bagot and Sir Watkin Williams Wynn?—Yes.

3086. Who were the last candidates for the borough?—Mr. Madocks and Mr. Wilson Jones.

3087. Is Mr. Wilson Jones a resident in the neighbourhood?—About six miles from Wrexham, in Flintshire.

3088. Were you concerned professionally in assisting Mr. Madocks?—I was.

3089. What is the number of voters for the Denbigh list of boroughs altogether?—I think they are about 950.

3090. Were you concerned in canvassing for Mr. Madocks at the last election for the borough?—Yes, I was; Mr. Madocks spent an entire week in Wrexham, either the last week in November or the first in December; I accompanied him to nearly every elector that he saw.

3091. Are you acquainted with any instances of influence exercised over the electors, to induce them to vote against their own preference?—Yes, I am acquainted with many.

3092. Will you state some of them to the Committee?—When Mr. Madocks spent that week in Wrexham, nothing had been previously known of the part that many of the gentlemen in the neighbourhood would take, except that their political principles were known, and about the middle of that week a letter was handed about from Sir Watkin to Mr. Wilson Jones, expressing himself favourable to his wishes and adverse to Mr. Madocks: that letter had influence upon several voters, for I called with Mr. Madocks upon one in particular, and I remember the circumstance very well; he was a tenant of Sir Watkin, and he was beginning to say to Mr. Madocks that he should have very great pleasure in supporting him at the election. I knew that this letter would be shown to him. I asked him had he heard of any such thing. I told him that there was such a letter, for I had seen a copy of it in the hands of an intimate friend of Mr. Wilson Jones's, and he immediately drew back and said, "Then I cannot support you, I must depend entirely upon the will of Sir Watkin," and he eventually voted for Mr. Wilson Jones. Upon the Saturday of that week, I think about 14 gentlemen, residing in the neighbourhood from 10 miles to one mile in circuit, came to town, met by appointment in a body, and went round to all the electors individually; that had a very great effect upon many of them. I know, from what many electors told me afterwards

wards, they were completely intimidated from expressing any opinion after that united expression of the wishes of those gentlemen; and from day to day after that till the election, many gentlemen made a point of coming to Wrexham singly, and taking opportunities of waiting upon the electors, and expressing their wishes and desires as to the mode in which they would vote.

3093. Are you aware of any particular instances in which voters who had distinctly stated their willingness or had given promises to vote for Mr. Madocks, were induced by solicitations from other quarters to vote against their promise?—Yes; I may first mention the case of a respectable auctioneer in the town, who had promised Mr. Madocks immediately upon being asked for his vote. A book was carried round by one of Mr. Madocks's friends, and this book was signed by those who would, and this man signed the book at once, and I never knew till the evening before the poll but what he was going to vote for Mr. Madocks; I met him, and he shook his head and said, "I cannot vote for Mr. Madocks to-morrow." I said, "Why not?" he said, "I cannot; my landlord has been with me, he has told me in language that I cannot misunderstand, that I cannot think myself sure of my house if I vote for Mr. Madocks; I have laid out a great deal of money upon that house, it has been in our family a long time, and I have always looked upon it as my own; I have my family dependent upon it, and I must sacrifice my wishes to my interest." I have since seen that elector, and he confirmed what he said, and gave me the details of the conversation which had taken place between his landlord and himself. His landlord asked him if he would vote for Mr. Wilson Jones; he said, "No, he had promised to vote for Mr. Madocks, and what should he say if he broke his promise?" His landlord said to him, "Say you voted against him from conviction." "I cannot," he said, "I agree in Mr. Madocks's politics." "Oh, tell him I am convinced that his principles are not good; Mr. Madocks is a much older friend of mine than Mr. Jones, but I disapprove of Mr. Madocks's politics from principle, and you may tell Mr. Madocks that; I am convinced Mr. Jones's principles are the most beneficial;" and when the landlord went away he said to him, "Of course you will vote for Mr. Wilson Jones?" his reply was, "I suppose I must." The same landlord went to another tenant of his; he has several tenants in the town; that man had promised to vote for Mr. Madocks, and he was rather more stubborn than the other, for he did not care much about his premises, and the landlord could not prevail upon him; he called upon him three times; at one time he was accompanied by another gentleman; they conversed with him a good deal upon politics. I asked him whether his landlord had said any thing to him about leaving his house; he said, "No, but he told him that the other elector whom I have just mentioned was entirely at his mercy."

3094. Was this person, having promised Mr. Madocks, induced by what his landlord said to him, to vote for Mr. Wilson Jones?—No, he did not succeed, but there was very great difficulty in bringing that elector up to poll, but when he did poll, he voted for Mr. Madocks.

3095. Does he still continue a tenant?—He does.

3096. Has the landlord many houses at Wrexham?—Yes.

3097. Are they considered to be let below the usual rate of houses?—No, I do not think they are.

3098. Are there any other instances of the like sort?—Yes, there is a case that made very great talk at the time; the man kept a public-house in the town, and worked as a journeyman saddler with a person who has the largest concern of that kind in Wrexham, and works for most of the families in the neighbourhood; he had promised Mr. Madocks, and he came to me a few days before the polling, in a very excited state; he said, "I am afraid I shall come to harm through voting for Mr. Madocks;" I said, "I hope not: what is the matter?" "Why, my mistress has just sent for me to say, that if I vote for Mr. Madocks she will give me the bag," meaning thereby that she would discharge him from employment: "Oh!" I said, "she will never do that;" he said, "I am afraid she will; I have worked for her 25 years too;" and he seemed very much excited: I said, "Well, what do you mean to do?" "Do," he said: "I will vote for Mr. Madocks if I go to the parish," and he threw his hat upon the table in great excitement. He persisted in voting for Mr. Madocks, and he was discharged from his work, and he has now set up a small place for himself; he keeps a public-house, and a supper was given at his house by some of those that thought with him, as a sort of recompense. There was a stone-mason who had promised his vote for Mr. Madocks; I passed his yard, and in consequence of what I heard, I went to him, and I said, "Was he

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he going to vote for Mr. Wilson Jones?" he said he was; I said, "What is the reason of that, after promising Mr. Madocks?" "Well," he said, "a lady in the neighbourhood," whom he mentioned, "has called upon me, and said that I shall not do any more work for her if I do not vote for Mr. Jones, and I have done a great deal, and I expect to do more, and I cannot lose my living."

3099. Was he one of those individuals who had written his name in the book you mention?—Yes. There was another person who was very warm for Mr. Madocks in the early part of the canvass, so much so that a relation of his, an old man, having previously promised Mr. Wilson Jones, and who seemed very steady in his determination to keep his promise—his nephew, who is the elector I am speaking of now, said he was sure that his uncle had not understood the matter entirely, because he knew his political principles were favourable to Mr. Madocks, and that he would take care and explain how the matter stood, and he was sure that he would then vote for Mr. Madocks. This elector himself was sent for up to one of the inns a short time previous to the election, and a gentleman for whom he had done a good deal of work, pressed him very much to vote for Mr. Wilson Jones; in fact there were two or three there whose names were mentioned; one of them was very warm, and said that if he did not vote for Mr. Wilson Jones he should never set his foot on his premises again; and the elector told me afterwards that a relation of his is a tenant of this gentleman, and wished to be allowed some draining tiles from his landlord; his landlord said he should not have them without he voted for Mr. Wilson Jones; he did vote for Mr. Wilson Jones, but his uncle whom he had prevailed upon, and to whom he had taken such pains to explain Mr. Madocks's political principles, voted for Mr. Madocks. This interference of the neighbouring gentry caused many of the electors not to vote at all; though they had promised to vote for Mr. Madocks, they would not go so far to break their words and vote against him, but they were afraid to vote for him; I have several instances of that; one, an old man kept out of the way the first day; the second day he was seen at a distance by some one, and a regular chase was commenced after him; some of the townsmen thought they had sufficient influence to bring him up to vote if they could discover him; however, he could not be found anywhere; I myself joined in the search for him. I met him shortly afterwards, and ascertained why he did not vote; he said that so many of his customers in the neighbourhood had requested him to vote for Mr. Wilson Jones, that he was afraid to vote for Mr. Madocks.

3100. Had this elector written his name in the book which you mentioned?—That I do not recollect, but I remember this circumstance; he was one of those that were not put upon the register by the overseers, and in consequence of my explaining to him, claimed to be inserted upon the register; and before the barrister his vote was allowed, and he expressed himself very thankful at having a vote at that time; when Mr. Madocks canvassed him, he said yes, he was very glad he had got a vote to give him, and expressed himself very anxious about it. There was another person, a shopkeeper in the town, he certainly did vote, but he said he did it at very great risk, for he had been called upon by so many of the neighbouring gentry, who were all good customers, that he had been harassed very much indeed about it. They had argued with him in this way: "You are going to vote against our interests, and we support you, and we do not see why you should not support us:" and he told me that one in particular, whose name he mentioned, had ceased to come to his shop since he had voted; I have been told of that by other electors, that gentlemen in the neighbourhood who had previously dealt with them, had ceased to do so since the election. I know two instances besides the one I have now mentioned, of two different gentlemen in the neighbourhood and two different tradesmen, and the expression made use of by the tradesmen was, "I am afraid I have lost Mr. So-and-so's custom, for he has not been in the shop since the election." There was another voter whom I always looked upon as a man of decided political principles, a man of respectable business, always expressed himself strongly upon political questions, and when he was canvassed, he declined promising his vote to Mr. Madocks, which I was very much surprised at; however, he resolutely refused to promise, and eventually voted for Mr. Wilson Jones; I asked him after the election was over why it so happened; he said, "I was so situated that I was obliged to sacrifice my wishes to the wants of my family;" I said to him, "Had any thing been said to you?" I mentioned a gentleman's name whom he had alluded to, and said, "Did he say any thing to you?" he said, "No, but sufficient hints have been given to me, and I knew what the consequence would

would be if I did otherwise." Now very recently an association has been formed in the town for the purpose of registering, and small subscriptions of about 5*s.* a piece have been given by different tradesmen; this person has given more than any of them, but he has given it as an anonymous donation; he told me that he did not dare to let his name be seen to such a thing.

3101. But he told you himself that he was the anonymous donor?—Yes, I received it through the medium of a third person, and I said to him a short time afterwards, "I think I received a sum of money on your account." "Yes," he said, "you did, but it must not be known that I gave it." Several tradesmen in the town, who are tenants of different gentlemen in the neighbourhood, declined promising in the first instance, till they had ascertained their landlord's wishes, and the general answer was, "I will vote if my landlord," naming him, "does not interfere;" but all those did vote for Mr. Wilson Jones, and the way in which they were set down upon the canvass was, "For, if the landlord for."

3102. Those persons gave such answers to you yourself when you canvassed them?—Yes; one tenant of a gentleman in the neighbourhood promised that he would vote for Mr. Madocks, and signed the book, and I met him a few days before the election; he said, "I must vote for Mr. Wilson Jones, my landlord has called upon me." I knew that he had some relations at some distance off Wrexham, and I suggested his going to pay them a visit; but he shook his head, and said, "No, it will not do; that will not be sufficient, I must vote."

3103. Do you know whether he informed his landlord that he had given a promise to Mr. Madocks?—No, I do not know that. My next neighbour is a market gardener, he promised his vote to Mr. Madocks; he has a vote for the borough and another for the county; I met him in town a few days prior to the polling, and he said, "I am afraid I cannot vote as I promised;" I asked him why; he said, "I have just received a letter from my landlady, desiring me to vote for Mr. Wilson Jones, and for Mr. Bagot;" I said to him, "Does she know that you have promised Mr. Madocks?" he said, "No, I do not know that she does;" I said, "I would advise you to write and tell her, that as you have promised Mr. Madocks, you hope she will allow you to vote for him, but as you have not promised Mr. Biddulph, you will vote for Mr. Bagot to please her;" and he did so; he saved one vote to keep his promise, and one he sacrificed to the wishes of his landlady. There is an ironmonger in the town, a very respectable man, I knew that his political principles and wishes were with Mr. Madocks, but he would not promise to vote for him; he was pressed repeatedly by myself and others, but he said he dare not do so, from the repeated calls he had had by neighbouring gentlemen, whom he supplied. The last day of the election he was called upon several times by several of the gentlemen to come and vote for Mr. Wilson Jones, and he got rid of their importunities by saying, "I have promised to be neuter, but if you insist upon my coming to vote, I will, but I will vote for Mr. Madocks," and then they left him. There is another case of a grocer in the town, who had said that he would be neuter from the beginning; he said he was afraid of voting either way; and a short time before the election I saw the Honourable Lloyd Kenyon and a professional agent of Mr. Wilson Jones's calling upon him, and in the course of an hour or two afterwards I went to him; I said, "I saw Mr. Lloyd Kenyon with you this morning, what answer did you give him?" "Well, I gave him the same answer that I gave you all along, that I will not vote;" he said, "They were here half an hour; Mr. Lloyd Kenyon reminded me that my father was a tenant of his father; I said I did not care for that, I had a different interest from my father; and Mr. Wilson Jones's agent reminded me that I was a tenant of Sir Watkin; I said I could not help that; Sir Watkin was not Mr. Wilson Jones, and I would not vote for either." There is a professional gentleman in the town, who, in the prior election, when there was no contest, had been engaged previously for Mr. Madocks, but had declined being engaged at this last contest; he said he would not use his interest against Mr. Madocks, though he could not use it for him; but about the 29th of December he wrote to Mr. Madocks to say, that in consequence of letters which he had received from Sir Watkin Williams Wynn, he could not do otherwise than oppose him, and from that time he became a very active partisan of Mr. Wilson Jones, and materially affected several votes, both in Wrexham and Holt; I have got copies of his letters.

3104. Are you acquainted with any cases in which this professional gentleman induced any voters, whose inclinations were in favour of Mr. Madocks, to vote for Mr. Wilson Jones?—I do not know that I could bring it to bear upon any particular

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ticular case, but I believe it influenced voters at Holt; he has property at Holt, and the tenants of that property had promised to vote for Mr. Madocks, and he (the landlord) said he would not interfere with them; but none eventually did vote for Mr. Madocks, and two of them voted for Mr. Wilson Jones. Two of the tenants were cottagers, and two others were respectable farmers, and I heard a remark made that their landlord had behaved very well in allowing them to remain neuter, after having promised Mr. Madocks.

3105. You stated that in recording the answers you received from the voters in your canvass, you sometimes put against the name "for, if his landlord is for;" was the number of those large?—Not very, because when the first canvass was made, some of the gentlemen had not declared whether they would interfere with their tenants at all, and several of the tenants felt themselves at liberty to exercise their own discretion; and afterwards, when they did interfere, the tenants changed their opinions accordingly.

3106. Did any of the neighbouring gentlemen interfere in the same way on behalf of Mr. Madocks?—There are only two gentlemen in the neighbourhood of the same way of thinking in politics; one of them was the high sheriff of the county, and he did not think it consistent with his office to interfere, and the other is a very aged gentleman, and did not interfere.

3107. In point of fact, how did their tenantry generally vote?—They have no tenantry in the borough, it would have been only the influence of customers; I think I know two instances where parties remained neuter owing to their wish to oblige the sheriff.

3108. Has Mr. Madocks himself a numerous tenantry in the neighbourhood?—Yes, but not within the franchise of Wrexham, and he himself resides about 26 miles from Wrexham.

3109. Was there any bribery, as far as your knowledge extends, at the last election for those boroughs?—I am not personally acquainted with any; ale was given away at the houses of those publicans who voted for Mr. Wilson Jones; one of them told me since the election that his bill amounted to 6 *l.* for ale consumed at his house.

3110. You stated that your knowledge extended to the county election, was there any intimidation of a similar kind exercised over the voters at the county election?—I believe there was; I am not so conversant from personal inquiries in the county, but one or two instances I know, because the parties came to me to complain; one instance was, of a man who owned a tenement, three or four pounds a year in value; he was sent for on the morning of the polling by the gentleman with whom he worked, to come to breakfast, and go with the rest of the party to vote; he refused to go, and word was sent to him that he need not come to his work again, and he was dismissed from his situation. That I know as a fact, because the man came to me to ask if I could give him assistance in procuring a fresh situation.

3111. Did that man actually vote for Mr. Biddulph?—He did; I heard that in one township where several persons who, to my knowledge, had voted in the previous contest for Mr. Biddulph, and at the last contest for Mr. Bagot, had done so in consequence of being compelled to do so by the gentleman who employed them. I know that several did vote contrariwise at the two elections, and upon inquiring why they did so, I was told that it was to please the gentleman for whom they worked.

3112. Had the gentleman's politics changed?—No, I think his politics were always the same.

3113. He did not interfere in the first election, but he did in the second?—Yes.

3114. Were any tenants who voted contrary to the wishes of their landlords ejected by them or punished by them in any way?—No; I know of no instance in the county of a tenant suffering from having voted contrary to his landlord's wishes, but I know scarcely any instance of a tenant having voted contrary to his landlord's wishes.

3115. Among the agricultural tenants, you are not aware of any tenant having suffered for having voted contrary to his landlord's wishes?—No.

3116. But you are also not aware of any agricultural tenant having voted against his landlord's wishes?—I cannot now bring to mind any case.

3117. You do not know the punishment, because you do not know the offence?—No.

3118. Did

3118. Did not you mention the case of a small labouring man who, in consequence of having voted for Mr. Biddulph, had been dismissed from his employment?—Yes, but he was not a tenant, it was his own freehold that he voted for. It is set down as a general principle, that the tenants vote according to their landlord's wishes; there was a great difference in the numbers in one of the polling districts at the last contest from the one in 1832. I asked the professional agent what was the reason of the difference: "Why," he said, "such and such a property has been sold since the last election, and the person who has bought it is of different politics from the one that owned it before, and there are 14 votes there."

3118*. Were they the same individual tenants?—I believe they were; he did not mention that there had been any change in the tenantry.

3119. Had those tenants ever been known to express any strong opinion in politics?—That I do not know; there is one case in the borough which I wish particularly to mention, because it is a case of intimidation on our side: the man is a butcher, and when he was canvassed, he said he would vote whichever way his landlord wished him. Mr. Madocks was personally acquainted with his landlord, and wrote to him; he received a letter in reply; the substance of which was, "You are at perfect liberty to canvass my tenant, and I will not gainsay your success;" that was the expression of the letter, but some time had elapsed in consequence of his having written to his country residence, and he had come up to town; and in the mean time other influence had been exercised with this butcher. I waited upon him with this letter, and he then said, that his customers had been with him, and desired that he should vote for Mr. Jones. An aunt of my own residing in the neighbourhood was a very good customer of his, and she told me that she had been speaking to this man; she said, "If the other customers wish you to vote contrary to what I wish you to vote, I do not wish you to sacrifice your principles upon either side; I would advise you to remain neuter;" and he said he would do so, and that he would go out of town to avoid polling at all. I called upon him a day or two before the election with this letter; he called upon her the very day previous to polling, and asserted in very strong terms that he would leave town on purpose to be out of the way of being called upon to vote; he did so, I believe, the first day, but the agents and friends of Mr. Wilson Jones were very active upon the second day and succeeded in catching him, and he voted for Mr. Wilson Jones. My aunt has since discontinued her custom; she said she considered it a personal insult to her, after having asserted so strongly that he would remain neuter. That has been thrown in our teeth in some instances, that our own hands are not clean as far as intimidation goes. In that instance, I confess it, but it was entirely owing to the man being worked upon by both sides.

3120. You are understood to say that this mode of exercising influence is the uniform practice of the country; that it is not confined to any particular class of politicians, but that it is universal throughout the country on both sides?—Yes.

3121. You do not mean to throw it upon the one side more than the other?—No; I thought it right to mention the last case of the butcher, to show that I do not wish to cast aspersions upon one side more than the other; I dare say had there been more Whig landlords in the neighbourhood of Wrexham, influence would have been exercised on their part.

3122. Upon whichever side the owner of the property is, upon that side you calculate that the votes of the tenants will go?—Yes.

3123. In general, among a tenantry, is there any strong political feeling; are not a great many of them divested of political opinions altogether?—I think a great many of them have a political feeling.

3124. Are there not a great many that have not?—Yes.

3125. Do you not consider that among the agriculturists of Denbighshire, the majority are altogether divested of political feelings?—It is a difficult question to answer at once, but I do not think it is so.

3126. Is not it possible that they may have a confidence in their landlord's political opinion rather than their own?—No; I have been out with Mr. Biddulph canvassing, and he has had many answers such as this, "I cannot vote for you, my landlord is on the other side, but I wish you every success."

3127. Might not that be from courtesy?—No, it was said in a different manner; I was asked whether the votes of the tenants had been changed in consequence of the politics of their landlords. I can mention a case in which the tenantry of a large property, in the year 1832, voted for the Honourable Mr. Kenyon, whose politics

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were opposed to Mr. Biddulph; their landlord is a relative of Mr. Kenyon, though his principles are not similar to his, but in this last instance, Mr. Kenyon not having become a candidate, all those tenants voted for Mr. Biddulph by the wish of their landlord, and it made a very great change in the votes, and not only the tenants, but the tenants' friends and relatives, those whom the tenants could influence.

3128. Whatever may be the case with the tenantry, is it true that the shopkeepers of Wrexham have no political feeling?—No, I should say there was rather a strong feeling, I may call it a latent feeling, owing to the influence of the gentry in the neighbourhood; but there is a strong political feeling among the tradesmen in the town; they do not express it very openly; for example, there are no public meetings, or any thing of that kind.

3129. Is there any difficulty at Wrexham in a landlord of houses obtaining tenants for his houses of the value of 10*l.* supposing that half a dozen were vacant?—Yes, I should think there would be, because it is a country town with no manufacture in it; it would depend a good deal upon the situation of the property.

3130. If a 10*l.* house is empty, is it soon snatched up?—That depends upon the situation. I have known some houses empty for years; when a house in another place has been bespoken immediately it was empty.

3131. Generally speaking, would there be a difficulty on the part of landlords and owners of houses and tenements of the value of 10*l.*, in finding tenants for their houses in the event of being given up?—As a general answer, I should say no.

3132. If there is no difficulty in finding houses, does not this render the tenants in Wrexham independent to a certain degree of the influence of their landlords?—Yes, if they would consider so.

3133. If the landlord is the obliged party, why is the 10*l.* tenant to be in a state of dependence upon his landlord?—True, but the tenants do not think so themselves; I have argued with many that have said they were afraid of voting to disoblige their customers; I have said, "Why, your customers will think better of you as a man of principle if you vote according to your promise;" but they shook their heads; they do not enter so deeply into it.

3134. Then the dependence which they seem to feel is contrary to the fact of the facility of their finding other houses if they vote according to their wishes?—Yes, but it is an expensive thing for a man to change his residence.

3135. In the article of houses the tenant is the customer of the landlord?—Yes.

3136. Is not it a considerable inconvenience and difficulty for a man to leave his house and go into another?—Yes, and especially with a man who is a tradesman, and established in a certain spot.

3137. Might not he be afraid that a great portion of his customers might leave him if his residence was altered, and that he might not find premises quite so convenient?—Certainly.

3138. Does not the power of a landlord over his tenant depend very much upon the situation?—Exactly; I have known houses vacant for years, when a house in another situation has been snatched up immediately, both of equal value, and equal eligibility in other respects.

3139. Does not it depend also upon whether the tenant may have laid out any money upon his house?—Yes, the man of whom I spoke told me he had laid out 300*l.* upon the premises.

3140. Does not the landlord enhance his rent if the situation is superior?—Yes.

3141. But may not the situation be every thing in a man's trade?—Exactly so; especially when a man has been some time in the same place.

3142. Is there not in many towns a particular class of house in which the occupant is very independent of his landlord; for instance, a private house in the outskirts of the town?—Yes, there is just that kind of houses in Wrexham; there is a new street of those houses.

3143. Should you say that half the 10*l.* householders in the town of Wrexham were in circumstances independent of their landlords?—No, I should say that at least two-thirds of the voters in Wrexham were bound by the situation they are in, because they are in trade; it is a town consisting principally of retail tradesmen; the neighbourhood is what is called a good neighbourhood, there are many gentlemen's families surrounding it; the country is beautiful, and a favourite spot for the residence of families; I suppose there are 15 or 16 gentlemen's residences within a short compass, who all resort to this town for their articles of consumption.

3144. Have you known any cases in which voters have been unwilling to register their

their votes in consequence of finding themselves uncomfortably placed between their feelings on one side, and their interests on the other?—None, till the last election; there was no great manifestation of a political feeling by gentlemen in the neighbourhood, so that the tradesmen did not know the inconvenience of having a vote, because at the prior election there was no contest; but I have heard many of them since say, that they had rather be without a vote. There is one case which certainly may be called a case of intimidation, though the gentleman that was the subject of it is a man of independent property; he is a banker in the town, and at the contest in 1832, Mr. Madocks staid at his house during the time that he waited upon the electors; he went round with him to the electors, and introduced him; he told me himself since then, that threats have been held out to him of accounts being withdrawn from him, and he did not interfere at all, either in the borough or the county election at the last contest. He voted for Mr. Biddulph, and in the former contest he was chairman of Mr. Biddulph's committee; he is generally looked up to as being the principal person in the town, and a magistrate for the county; he told me himself he dared not do otherwise; that they had threatened him very hard, and he is upon visiting terms with all of them. There is another man, a tenant of Sir Watkin; he never would promise his vote; he said he knew he dared not vote if he did promise; but he had influence over another man who would have voted for Mr. Wilson Jones, from other influence again; but he took care that that man did not vote, he had sufficient influence over the man to keep him out of the way; I know that to be a fact myself; I have not mentioned every individual case that I know, but they all tend to the same point.

3145. Are you acquainted with many other circumstances similar to those you have mentioned?—Yes, I am.

3146. Do you believe those cases to be correct?—Yes, I do; the cases I am alluding to now, and the cases I have mentioned before, are those of persons who, I think, would conscientiously have voted. I know others who have promised both sides, but then I look upon them as men of no principle.

3147. Are the persons you have mentioned persons whose character and sentiments you were previously acquainted with?—Yes, I was born in the town, and I know every elector well.

3148. And they are persons whom you have reason to believe did not make those assertions by way of mere excuse?—I verily believe they did not, but that they spoke the truth.

3149. Do not you think the possession of the elective franchise is a source of great unhappiness and ill-blood?—Not of ill-blood.

3150. Have not those cases of intimidation excited a good deal of irritation?—Of course they do not feel so cordial towards those who have intimidated them as they did previously; but the whole of the intimidation has been by non-electors upon the electors, an interference from without; I know scarcely any case of one elector intimidating another; at the polling I saw the gentlemen of the neighbourhood there myself, and they sat upon the bench with the returning officer, and watched every elector as he came up, and eyed him very strongly as he gave his vote; in fact it was a very nervous thing to give a vote, for the room where the poll was taken was where the assizes and sessions were formerly held, and the returning officer sat upon the bench where the judge formerly sat, and the electors had to come and face the whole array of the neighbouring gentry and magistracy, and exclaim in rather a loud tone of voice, in order to be heard whom he voted for.

3151. Do you think that species of responsibility to non-electors useful in a public point of view?—No; I should say it is very injurious.

3152. Was there any strong feeling among the lower classes with regard to the election?—All the exhibition of it was in favour of Mr. Madocks.

3153. Did that operate at all upon the shopkeepers?—Not at all.

3154. Or in the way of personal violence?—Not at all; I saw a great many drunken people in the street; I know as a fact, that no ale or liquor had been given to any person that voted for Mr. Madocks, but there were a great many drunken people about crying "Madocks for ever."

3155. The persons that had drunk ale at the expense of the other party were nevertheless shouting "Madocks for ever?"—Yes, there are six spirit dealers in the town who have spirit licenses, independent of the public-houses and wine and spirit merchants, and out of those six, four voted for Mr. Madocks, one did not vote at all, one voted for Mr. Wilson Jones.

 3156. Were

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3156. Were those parties dependent for their licenses upon the county magistracy?—Yes, of course they were. With respect to the case of the tenantry in counties, to show how the tenants are called upon according to the wishes of their landlords, it was quite a matter of calculation upon the second day's polling, how Sir Watkin's tenants would vote, and it caused a greater number of votes to be reserved to the second day than almost any election that I know; because there were some gentlemen at the other end of the county whose tenants they wished to vote according as Sir Watkin's voted; as to splitting the votes, if they splitted for Sir Watkin and Mr. Bagot, the others would vote for Mr. Biddulph, so that the tenants were looked upon as cards in playing a game.

3157. Has Sir Watkin a great many tenants in the county?—In one part of the county he has many tenants.

3158. Have those tenants been long upon the land?—Yes; Sir Watkin is a very good landlord.

3159. Do not you think it is possible that many of those tenants are induced from motives of gratitude and good feeling to vote according to the wishes of their landlord?—The bulk of his tenantry reside within a short distance of Mr. Biddulph's residence; they would have been as desirous of pleasing him as a neighbour, as to please Sir Watkin as a landlord.

3160. Do not you consider the influence of the landlord as greater than the influence of a neighbour?—Certainly.

3161. Do you mean the direct influence of the landlord or the moral influence of the landlord?—I should say the direct influence.

3162. You mean that the moral influence of a neighbouring gentleman may be occasionally greater than the moral influence of a non-resident landlord, but that the direct influence of a non-resident landlord will generally outweigh the moral influence of a neighbouring gentleman?—Yes.

3163. Do you think that that motive of attachment from gratitude is likely to have arisen in those cases which you have mentioned, of properties very recently changed?—There the direct influence of the landlord must of course outweigh any other influence, because the property was purchased within two years.

3164. Is it probable that any very great family attachment could have grown up within that time?—No; especially in Wales.

3165. Are not there many ways in which a man's tenantry of his farm may become uncomfortable, if his landlord were offended in any way by his voting?—Yes, a great many; I have a little property myself, and I know that I could make it unpleasant to the tenant in many ways, without saying that I did it in consequence of his vote.

3166. Are there not many instances in which the tenants do not scrupulously observe the covenants of their leases?—I think in general they are pretty accurate as to that.

3167. Do the majority of the electors at Wrexham wish for the ballot?—Yes.

3168. Have you heard them express sentiments to that effect?—Very many of them; a petition was sent up to the House, it was not signed by the majority of the electors; I and another person in the town went round with it; we called upon each elector and explained to him what the petition was for, and asked him if he would sign it; some signed it very readily, and said they wished they could have the ballot; others said, "it is no protection to me, because I do not care. I would vote openly, but I think it is necessary for the protection of those that are afraid;" some few refused to sign, but the great majority that were called upon to sign did sign it, and having filled the sheet of paper with names, we thought that sufficient.

3169. Should you say that the voters in general in Wrexham have been much gratified by receiving the privilege of the 10*l.* franchise or not?—Yes, I think they have.

3170. Notwithstanding the intimidation which has been exercised in the cases to which you have alluded?—It has rendered many of them uncomfortable of course, but I should say the majority of them would not like to be deprived of the franchise.

3171. Do they generally wish for the ballot in addition, in order to make the exercise of their privilege comfortable?—Yes.

3172. Did you explain to them in what manner the ballot would have that effect?—No, but I was struck with the remark of one man in particular; I told him what the object of the petition was, and he said, "Oh, yes, I know the ballot, it is the

way we do in our club; we have two balls, and we put a black ball in or a white one," so that the object is very well known.

3173. Were the general political opinions of those persons well known in Wrexham?—Yes, I believe they were.

3174. Were they persons of what is called the liberal side?—Yes, the petition was signed promiscuously by those that voted for Mr. Madocks and Mr. Wilson Jones.

3175. Of course those persons, if left entirely to themselves, would have voted for the liberal candidate?—Yes, they would.

3176. Would not the landlord have been aware which way they had voted if they had voted by the most secret means that could be devised?—Not if they had wished to keep it secret.

3177. Would you have had any doubt which way those persons voted?—I should have known how many of them would have voted, from their expressed opinion.

3178. And the landlord would have had the same means of knowing?—Yes.

3179. Therefore they would have exposed themselves to the same risk?—I think that after one or two elections, if the ballot were adopted, there would cease to be that excited feeling which there now is at the election, it would be known who the candidates were, and the election would come on as a matter of course, and the man who might have the votes of the majority of constituents would be returned, and there would cease to be that excited state. I might go to my tenants and say, "I wish you to vote so-and-so," but I could not come to a moral certainty that they had voted in that way. If the candidate for whom I wished them to vote had lost, I should not think it worth while to go to those tenants again, because I could not be sure that they would vote as I wished, and I should say, "What is the use of my giving myself this trouble?"

3180. Would it not be your object to ascertain, before you gave those persons possession of your property, their general political opinions?—No, I do not think it would be of any use if I could not come to a moral certainty how the tenant had voted.

3181. Supposing you were a landlord, and on the liberal side in politics, would not you wish that your tenants should be on the same side of politics as you yourself?—I should prefer it, no doubt.

3182. If the ballot were established, do not you conceive that men of property, who might take a Conservative view of things, would in such case take very good care to have a particular class of men for tenants, who would agree with them in politics, and even make a sacrifice for that purpose, by which means a great number of men would be thrown out of that fair competition which property now has?—Yes, but I think that all this would cease after two or three elections; that the general excitement which always precedes an election would in a great degree cease, where persons could not be sure that any exertions they might make would meet with success.

3183. Would it or not increase very much the difficulty of letting property, if, previously to entering into a bargain for the lease of a house or a farm, you had to inquire into what a man's political principles were?—Yes, I am sure it would.

3184. Would it not be a much more expensive method of securing the ascendancy of that class of political principles to which the landlord belonged, if he had to make this previous inquiry before he took a tenant, instead of threatening his tenant as he does now?—Of course.

3185. After all the most careful inquiries, would not the landlord be perpetually liable to be mistaken, and never know whether he was mistaken or not?—Yes, of course, and therefore he would cease to make such exertions about it.

3186. If it were known that farms were to be got upon favourable terms by the profession of Conservative principles, would not the landlord be very liable to be deceived by persons in that case?—Yes, no doubt he would.

3187. Have you turned your attention to the machinery by which the secresy of the ballot can be enforced; are you aware of the system in America, in all its details?—Not in its details.

3188. Are you aware that the secresy of the ballot has not been accomplished in America?—In some instances it has not, but in others it has.

3189. Is there any system by which the secresy of the ballot could be enforced?—I should think there are many ways in which it might be done; I cannot discover any difficulty.

3190. Are you much conversant with the elections of clubs?—No, I do not belong

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belong to a club, except in a very small way; I am a member of a book club, where any member is at liberty to propose a work, and that is subject to a ballot, and there we could vote for or against, without any one knowing how we had voted.

3191. Is there much canvassing beforehand?—Sometimes.

3192. Do persons give any pledge which way they shall vote?—No; the new members are also elected by ballot, and there has been canvassing for that, and I know one gentleman who has been rejected three times, and he cannot tell who has voted for him and who against him.

3193. Are you acquainted with the proceedings in benefit societies among the poorer classes?—Not with the details.

Mercurii, 17° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *James Lunn*, called in; and Examined.

Mr. *James Lunn.*

17 June 1835.

3194. YOU are a resident at Ripon, I believe?—Yes.

3195. What is your profession or business there?—A grocer.

3196. Have you had experience of the last two elections at the town of Ripon?—Yes, I was engaged in them both.

3197. What is the number of voters in the town?—Now, or at the first election?

3198. State it at both?—The number in 1832 was 339.

3199. And the number in 1835?—Three hundred and eighty-three.

3200. Are there any considerable number of these voters who are tenants of a single proprietor, viz. (—— ————)?—Yes.

3200*. About what number?—In the first election about 86.

3201. And in the second election?—About 110.

3202. You allude to registered electors?—Yes.

3203. Of these registered electors you state that at the first election about 86 were tenants of —— ————?—Yes.

3204. And at the second election how many?—About 110.

3205. Were there any discharges sent to any of those tenants subsequent to the first election of 1832, within your knowledge?—Yes.

3206. To how many?—The whole were discharged, not only electors but non-electors; but that part of the tenantry which voted in her interest, as well as the non-electors, were not expected to leave their houses, neither did they, but those who voted contrary to the interest did leave their houses, and have changed their residence some time since.

3207. You stated in your answer that all the tenantry were discharged; it is presumed that by that you mean that notices of discharge were sent to them all?—Yes.

3208. But the Committee understand you to state that the notices of discharge only took effect and were realized in those cases in which voters had voted against the wishes of the landlord?—Certainly.

3209. How many of those tenants were there who were actually discharged, and were forced to quit their tenancies?—About nine.

3210. Were those all amongst the tenants who had actually voted against —— ————'s wishes, or were there any others who had so voted, and were not discharged in fact?—All that voted against her wishes were discharged, and, as I have said before, have left their houses.

3211. How soon after the election were the notices of discharge sent out?—The election took place December 11th, 1832, and the discharge bears date the 2d day of September 1833.

3212. What was the nature of the tenancy?—A yearly tenancy.

3213. And was that the earliest period after the election for which it would have been practicable to send the notices of discharge?—Yes; September would be the half year of course before Lady-day, and for the discharges to take effect properly, they must be served in September for the tenant to quit at Lady-day.

3214. They were Lady-day tenancies, were they?—Yes.

3215. Have you seen the notices of discharge which were sent, or any of them?—Yes, I have some here.—[*Producing the same.*]

3216. Have

3216. Have you conversed yourself personally with any of those tenants who left their tenancies in consequence of that discharge; you are understood to say there are nine?—Yes, about nine.

3217. Have you conversed with any of them?—Yes, I have.

3218. Are you able to state whether they were in arrear of rent?—They were not in arrear, neither had they ever been.

3219. Are you able to state whether on any other grounds there had been any complaint made against them for their conduct as tenants?—I believe not; but in calling upon them to ascertain the fact, I got them to sign a declaration, which, if you will allow me, I will read.

[*The Witness read the same, as follows:*]

"Ripon, June 10th 1835.

"I do hereby solemnly declare, to the best of my knowledge and belief, that I was discharged from my occupation of the property which I then held under —— —— (whose tenant I have been for 15 years), in consequence of having voted for Messrs. Staveley and Crompton at the election in December 1832.

(signed) "—— ——"

3220. He was one of the nine persons who were discharged, was he?—Yes.

3221. Did any more of them sign similar declarations?—Yes.

3222. Did they all sign similar declarations?—Yes.

3223. All the nine?—I will just count them; I think so.—[*The Witness referred to the Book.*]

3224. Is the declaration your writing?—The declaration is in my writing, the signature, of course, is that of the parties; I have not got the whole of the nine here, I have only got six.

3225. Give us the names of them?—I have only got six who have signed declarations to this effect.

3226. State the names?—The names of the six?

3227. Yes?—, , , , , and —— —— (a female), she is the widow of the person who gave the vote in 1832.

3228. What is the form of her declaration?—I will read it.

[*The Witness read the same, as follows:*]

"I do hereby solemnly declare, to the best of my knowledge and belief, that I was discharged from the occupation of the property which I then held under —— —— (whose tenant I had been for 16 years), in consequence of my late husband having voted for Messrs. Staveley and Crompton at the election in December 1832."

She had lived in the house for upwards of 40 years, but the house did not give the qualification, though she was discharged from the house; her husband voted for land and buildings occupied under another landlord.

3229. Did they all sign?—I did not call upon them all.

3230. Then you only called on six?—I only called on six, under these peculiar circumstances; I have other signatures, but not connected with this part of the examination.

3231. Will you state the names of the other three whom you did not call on?——— was one, —— —— and —— ——; —— —— did not occupy a house under —— ——, but he occupied land, and —— —— the same; —— —— occupied a house.

3232. Was it understood at the time when these notices of discharge were sent out, that they were only intended to operate in the case of those voters who had voted against the landlord's wishes?—It was not understood at the time that they were to be operative, but when some parties called to know what their discharges came for—I will refer to one particular case, that of —— ——; when he called on the steward to know whether his discharge was intended for a rise of rent, or whether he was intended to leave the house, he was told that he was to leave the house; and there was —— ——, who gave me the same information; when —— —— called, the steward told him he knew nothing at all about it.

3233. What happened at the last election in 1835 with respect to those who occupied tenements under —— ——?—They all voted agreeably to the wishes of the landlord.

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3234. —— ——— possesses a very large proportion of the whole township of Ripon, I believe?—Yes.

3235. Can you state, within any approximation, what proportion?—Yes, I can; —— ——— has in the township of Ripon in land, 392 acres, 2 roods, 32 perches, valued at 1,058 *l.* 2 *s.* 8 *d.*, buildings valued at 2,410 *l.* 5 *s.*; together, 3,468 *l.* 7 *s.* 8 *d.* The whole valuation of the township is 17,650 *l.* 6 *s.* 7 *d.*, which will give her rather better than a fifth; the whole number of acres in the township is 1,446 acres, 2 roods and 8 perches.

3236. Have there been any new voters qualified since the election of 1832 by means of cow-houses erected on this property?—Yes.

3237. How many to your knowledge, or about how many?—I think about 15, but I am not quite certain.

3238. Are those cow-houses absolutely and purely cow-houses, or are they used for any other purposes?—They are cow-houses entirely, and sheds for cattle to run underneath; they are not all of them fitted up so well as cow-houses generally are, they are mere sheds.

3239. What are the materials of which they are composed?—they are built with brick and covered with tiles.

3240. There are two qualifications in one building; the field is divided into separate tenancies?—Yes, in some cases.

3241. Were there any parties voted under a similar qualification on the opposite side at the last election?—Yes, but not exactly under similar circumstances.

3242. How many?—At the last election?

3243. Yes?—I do not recollect exactly.

3244. You could not tell exactly the number who voted in —— ———'s interest, but approximate to the number, and you said about 15; how many do you think there were on the other side?—Here is an analysis of the poll; I know it to be quite correct, and, if you will allow me, I will state it.

[*The Witness read an extract from a Pamphlet, as follows:*]

"Mr. Staveley.

101 Plumpers, each being a 10 *l.* undivided qualification.
5 Plumpers, each consisting of house and land; a divided qualification.
2 Plumpers, each being a genuine burgage qualification.
4 Plumpers, each being a cow-house and land qualification."

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That is the number of cow-house voters who voted for Mr. Staveley.

3245. Was that in the election of 1832 or 1835?—1835.

3246. And when were these qualifications created?—Long before the passing of the Reform Bill; they are old erections; I do not know that there is a single new erection made.

"10 Splits between Staveley and Dalbiac, each being a 10 *l.* undivided qualification.
1 Split between Staveley and Pemberton, ditto.
2 Splits between Staveley and Dalbiac, each being a cow-house and land qualification."

Then, on the other side, for

"Dalbiac and Pemberton.

169 Splits, each being a 10 *l.* undivided qualification; 59 of these were tenants under —— ———

21 Splits, each consisting of house and land, a divided qualification; 17 of these were tenants under —— ———

18 Splits, each being a cow-house and land qualification; 11 of these were tenants under —— ———; 9 other tenants under the same lady tendered their votes for D. and P.

24 Splits, being transfer or paper votes."

3247. What do you call "paper votes?"—A remnant of the old burgage tenure voting.

3248. You call them burgage tenure when they vote for Mr. Staveley, and paper

paper voters when they vote on the other side, what are these others?—These are fictitious.

3249. Do you mean they are made for the time, and surrendered afterwards?—Yes, they are what were made I think about the year 1825.

3250. Were they paid for at the time and surrendered afterwards?—They never paid any consideration for them.

3251. When you distinguish between paper votes and what you call the real burgage tenure votes, do you mean the qualifications for the real burgage tenure votes were paid for, and were *bonâ fide* in the hands of the holders?—Yes.

3252. And that the others were not?—Yes, that the others were not.

3253. How do you know that?—Because I have heard them examined very narrowly in the barrister's court.

3254. And did they confess it?—Yes, they confessed they did not know where the house was.

3255. Is it necessary that there should be a house for a burgage tenure?—Yes.

3256. What was the ground of the objection to them before the barristers; that they were fictitious votes?—Yes.

3257. And the barrister decided that they were not fictitious?—He did.

3258. Were they left on the register on the ground that they were not fictitious votes?—They were registered the same as other votes.

3259. You did not give the number of the paper votes?—"Twenty-four being transfer or paper votes, one split being genuine burgage."

3260. Is the one genuine burgage included in the 24 paper votes?—No.

3261. How many of the 24 are —— ————'s?—All of them; one plumper vote for Mr. Pemberton, being a house and land qualification.

3262. Is that the whole?—Yes.

3263. Were there any other cases within your knowledge in which loss was incurred either by voters or by the relations of voters, in consequence of their having voted against —— ————'s wishes?—Yes.—[*The Witness referred to a Book.*] Here is the case of a widow; she is mother-in-law to —— ————, who was discharged, and she has signed the declaration, which I will read: "I do hereby solemnly declare, that my pension from —— ————, of 10*l.* a year, was taken from me on the January 1833, without my having in any way (to my knowledge) personally offended; and I do firmly believe that it was taken off in consequence of my son-in-law having voted for Messrs. Staveley and Crompton at the election in December 1832." A quarter was due in January 1833, and at the time she received that quarter's annuity, she was told it would be the last.

3264. Did this woman herself take any part in the election in any way?—None whatever.

3265. What was her age?—About 75.

3266. What has become of her?—She is now living in Ripon, and receives parochial relief.

3267. What was her husband?—Her husband was formerly a labourer with the ———— family, and had been for a good number of years. He had some misfortune in coming home one night, and died in the course of a few days afterwards, and —— ———— thought proper to make the widow an allowance of 10*l.* a year, which was continued till the election in 1832.

3268. The misfortune being some accident that had happened in her service?—The misfortune happened to one of her labourers.

3269. Are you sure it happened in her service?—Yes, he was bringing some parcels down to Ripon, I believe; it was the winter time, and he slipped and fell down, and hurt himself.

3270. Does not —— ———— give immense sums in charity in that neighbourhood?—I dare say.

3271. Do you not know that she does?—I dare say it is so.

3272. Do you know it or not?—I cannot say; I do not know it particularly.

3273. Do you not know many persons in Ripon and the neighbourhood who receive those charities?—I do not know many people in Ripon who receive annuities.

3274. Do you believe —— ———— distributes considerable sums in charity?—Yes, I believe so, at various places.

3275. Not only in Ripon, but the neighbourhood, and places which have nothing to do with the election?—Yes; I could not mention at this moment any particular case of that kind.

3276. Is not —— ———— celebrated for it?—Yes, but I do not know of my own

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own knowledge of any one individual case; I have heard it talked about at different times that —— —— does give money away.

3277. When you said you "dare say," you meant you "believed?"—Yes, I did.

3278. Are there any other cases of relations of voters who sustained loss in consequence of the way in which they voted at the last election?—Yes, here is the case of —— ——: he says, "I do hereby solemnly declare, that my pension from —— ——, of 10 *l.* a year, was taken from me on the 22d of January 1833, without my having in any way (to my knowledge) personally offended; and I do firmly believe that it was taken off in consequence of my brother, —— ——, having voted for Messrs. Staveley and Crompton at the election in December 1832."

3279. Did this person whose pension was taken off at this time, himself personally take any part in the election?—No, I asked him particularly on that point, and he declared he did not.

3280. Are there any other cases of relations of voters?—I have no others down here.

3281. Had this man —— ——, whose pension was taken off, put on colours at the election opposed to those of —— ——?—No, he told me he put on the blue colour, which was in favour of —— ——, and went out to meet the procession.

3282. He went out to meet the procession of the candidates —— —— supported?—Yes.

3283. In 1832?—Yes.

3284. What is the brother who voted on that occasion?—He is a master bricklayer by trade.

3285. He is in no way dependent on that brother whose pension is withdrawn?—Quite independent.

3286. Do you know any thing about the case of —— ——?—I do not know any thing more of it than having read it in this pamphlet; I did not call upon the parties.

3287. Who is —— ——?—He was a labourer of —— ——, and had been for a great number of years, and he had a pension allowed when he became incapable of working; that is what the pamphlet states; and when his son-in-law, —— ——, voted at this election, the pension was taken off. I do not give it in evidence, I merely give it as a statement in this pamphlet. I have not called on any of the parties at all.

3288. What is that book you are referring to?—This analysis of the poll gives an account of it.

3289. You know that the analysis of the poll is correct?—Yes.

3290. Are fathers and mothers-in-law in Ripon generally supposed to have such influence over the votes of their sons-in-law, that they can be held responsible for these votes with any justice?—I should think not.

3291. Do you know whether —— —— voted in 1832?—He did vote.

3292. For whom?—For Messrs. Staveley and Crompton.

3293. Do you know whether —— ——'s pension continues or not?—He is dead.

3294. You say that notices to quit were served on all —— ——'s tenants?—Yes.

3295. Without distinction?—Yes.

3296. For the whole of the property in Ripon?—Yes.

3297. Was there any reason for that, that you know of?—I cannot account for it in any other way than the one by which I should judge of it myself.

3298. What is your version of it?—I should think that —— —— would imagine that it would be an exceedingly odious thing to discharge those individuals who voted against the wishes of —— ——, without discharging the rest of the tenants.

3299. You are understood to say she did actually discharge those tenants and nobody else, though she had served notices on all?—I mean she served notices to quit on all.

3300. But in fact nobody was actually discharged but those who voted against her interest?—No one left their premises.

3301. Did she serve notices on her tenants on other parts of her estate, or only in Ripon?—I do not know; I have heard it stated that notices were served on some of the farmers, but I do not know it so as to give it in evidence.

3302. Can you undertake to say these eight or nine persons you named, including the widow, are the only persons who left on those notices?—Yes, I am prepared to say that.

3303. You said they were tenants from year to year, liable to a notice at six months?—Yes.

3304. If it had been for the purposes of the election, what objection was there to —— ———'s serving the notices at Lady-day instead of September?—Because the tenants might have continued a year and a half after that time; being a yearly tenant he was to receive six months' notice; the latter part of the year, the last six months.

3305. Notice could not in fact be given till September?—No, he was not bound to pay attention to any notice, except given at that time.

3306. Do you know that from the terms of the holdings?—Yes, it is common in our neighbourhood, and I suppose it is law.

3307. Was there much vituperation in the town of Ripon with regard to —— ——— at this election?—There was a good deal of bad feeling on both sides.

3308. Was she ever subject to any incivility or insult?—I never heard of that occurring.

3309. Does it come to your knowledge that those parties who were deprived of their pensions ever joined in that vituperation?—They told me quite the reverse; widow ——— in particular said she did all she possibly could to keep herself within doors during the time; I asked her particularly on that point.

3310. You are understood to say that you yourself drew up all those declarations?—I did.

3311. Why was that done by you; they can write, it appears?—I did not suppose they were capable of doing it.

3312. Were you employed by any person to do it?—I received nothing for my services.

3313. The Committee only wish to know whether it was suggested to you, or whether it was your own fancy?—It was understood that a Committee was sitting here to inquire into these things, and these declarations were got up for the purpose of being laid before the Committee.

3314. You wrote them from the suggestion of the persons complaining?—No, I wrote them merely as a protection for myself; I wrote these declarations because I did not wish to come here to state the cases, though I knew them perfectly well, without having their signatures to such a declaration as this.

3315. Did you draw up the declarations after hearing their story, or before?—I had heard of the circumstances before I drew up the declarations.

3316. What was the date of the publication of the analysis of the poll at Ripon?—February 1835.

3317. Did you draw up those declarations before you caused any of the parties to sign them?—Yes.

3318. The parties did not suggest to you the declarations you called upon them afterwards to sign?—No.

3319. What condition of life are they in?— —— ——— is a blacksmith, and since he left —— ———'s house he has built a house for himself.

3320. What is —— ———?—He is a man very well off, he lives in his own house now.

3321. And —— ———?—He does the same; he lives in his own house.

3322. What condition of life are they in?— —— ——— used to keep a small shop, but he does not keep a shop at all now; and —— ——— is a machine maker.

3323. An operative?—He is a master, and a very clever man.

3324. And —— ———, what is he?—He is a lace-dealer; he lives in his own house now, and he is a man of property.

3325. What is —— ———?—He is a tea-dealer; he does not live in his own house, he took another under another landlord.

3326. They all live in their own houses except —— ———?—Yes.

3327. You have been speaking of tenants who were discharged, you believe, on account of their votes; these were, for the most part, yearly tenants, were they not?—Yes.

3328. Is the custom of yearly tenancy generally prevalent in Ripon?—Yes.

3329. Are almost all houses and tenements in that town held on yearly leases?—Yes, from year to year.

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3330. All under —— ——— are upon that tenure?—Yes, —— ——— does not grant any leases at all.

3331. Is not that custom of yearly tenancy generally prevalent, not only in Ripon, but in the neighbourhood?—Yes.

3332. Leases are hardly known in that part of the country?—I think there are very few; I know very few that hold under lease.

3333. This applies as well to households as to land?—Yes.

3334. It is the same, is it not, with respect to all the great estates in the county?—Yes.

3335. Are you aware that Lord ————'s and Lord ————'s estates are held in that manner?—Yes, they all hold from year to year.

3336. Is there any custom of the country as to the tenants receiving the amount of a valuation on their being ordered to quit?—I do not know of any that have been placed in that situation.

3337. Has not this custom of yearly tenancy been prevalent in that part of England almost from time immemorial?—Yes, ever since I knew any thing about the town; I have known it for 25 years, I think.

3338. Do not the same tenants generally continue in possession for a long period under these yearly holdings?—Under —— ———, ————, the great proprietors, it generally descends from one generation to another; they are not often removed, I think.

3339. Is there a general understanding among the tenants that such is likely to be the case?—Yes.

3340. Do you know any cases of persons who, on the faith of that, lay out capital on their lands or their houses?—Yes, I should think the Duke of ————'s and —— ———'s tenants, of whom I know a great many, would have no hesitation in laying out capital to any amount they are capable of doing on these yearly holdings.

3341. In perfect confidence of a renewal, without increase of rent on that account?—Yes.

3342. Would not a landlord who took advantage of such expenditure by his tenant, and turned him out at the end of his holding in order to get an increased rent, be considered guilty of an act of very great harshness?—Yes, he would; it would subject the farmer to very great loss.

3343. Would it not be considered on the part of the landlord as, in fact, an act not perfectly honourable to take advantage of a tenant in this way?—It would be considered so, for in our neighbourhood they have gone on from generation to generation without any advance; that is, so far as the Duke of ———— and —— ——— are concerned; I do not know that they have been advanced at all; I am speaking now of farmers generally.

3344. Now you were asked as to premises in towns?—I was answering with respect to farmers.

3345. Did you never hear of what is called the tenant right?—When I have heard farmers talking upon the subject, they have generally stated that if they were discharged from their farms, they should lose all they had laid out; that it would be a considerable loss to them if they were to leave at the end of the year.

3346. Do you believe any of those tenants experienced such loss, or any loss, on account of improvements they had made during the period of their holding?—No, I do not know that.

3347. Do you think what you have said respecting yearly tenants of farms applies also to yearly tenants of premises in towns in your neighbourhood?—As to the laying out of money do you mean?

3348. Yes?—If improvements are wanted, —— ——— and the landlords generally lay out the money themselves, or with some slight assistance, joining one with the other, landlord and tenant, to make improvements, but in the event of their leaving, they would leave all those improvements without receiving any thing back again for money laid out.

3349. Are the tenants in the town in the habit of laying out money on these yearly tenements in improving their buildings?—I think not, generally speaking.

3350. They would not do so to any great extent probably, without having a previous promise from the landlord that they should not be turned out, or that their rent should not be raised in consequence?—If they had a promise of an agreement from their landlord, they would lay out money; if they had an agreement for a number

number of years, or any thing of that kind, they would lay out their money; otherwise they would not.

3351. But, generally speaking, —— ——— repairs and improves the houses in Ripon, and not the tenants?—Yes.

3352. Is there any difficulty in finding tenants for vacant houses at Ripon?—No great difficulty; there are not many houses empty, generally speaking; if they are, they are cottage houses. Perhaps we may have empty houses; on an average 70 or 80, but chiefly cottages.

3353. Is there any difficulty for such persons as were discharged, finding equally convenient and profitable premises, in case of discharge immediately?—Those names that I have given in here had no great difficulty in obtaining such places.

3354. Were they considered in the light of martyrs, and did the opposite party take upon itself to find them houses?—Yes; in the case of —— & ——, a gentleman had a garden near to them, and he let them have a piece of land to build on. ——— & ——— moved to the same place.

3355. As to the 15 cow-house voters, as you call them, can you tell me what land they hold?—No, I do not know exactly.

3356. Is it not a very common thing in all towns for persons not occupying a house by themselves, but living with their families, to have fields in the neighbourhood of the town, from which they supply the town with milk?—It is not practised with us.

3357. You do not know such a case?—No.

3358. Not among these fifteen?—I cannot say that I do.

3359. Have you the names of these 15 persons?—No, I have not them down.

3360. And you do not know what land they hold?—No.

3361. With regard to shopkeepers in Ripon, are you acquainted with any case in which shopkeepers have sustained loss of custom from any quarter, in consequence of their having voted in 1832?—I must speak of myself; to speak on my own account, we did sustain loss; Mr. ——— was a great friend of —— ———, and he was a very good friend of ours, but when the election for 1832 took place, he immediately withdrew his account; up to that time he was a very good customer.

3362. Were you employed in the register of voters at Ripon in 1833?—Do you mean in the barrister's court?

3363. Yes?—Yes, I sat there every day.

3364. You were employed?—No, I was not employed; but I happened to be on the committee, and I was requested to go there.

3365. You acted, however, as a solicitor in opposing the votes of those who were supposed to be in the Conservative interest?—Yes.

3366. You acted gratuitously?—Yes.

3367. Being a member of a committee formed for that purpose?—Yes.

3368. Was this withdrawing of custom preceded by any notification to you, that if you acted in a certain way the custom would be withdrawn?—Not at all.

3369. Or that it had been withdrawn in consequence of your taking a certain political part?—It was withdrawn without giving any reason.

3370. To whom was the custom transferred?—To shopkeepers of the opposite interest, of course.

3371. Do you know their names?—I dare say it was a good deal divided after it was taken from us. Mr. ——— used to pay us about a hundred a year, I dare say.

3372. It seldom occurs in these cases that there is any previous threat, or reason assigned afterwards, that the custom has been withdrawn in consequence of the political part a person has taken?—It was taken away without giving any reason, in my case, and I should think in other cases.

3373. Can you give me the names of any persons Mr. ——— has employed since he left you?—There is Mr. ——— and Mr. ——— and Mr. ———.

3374. He has transferred his custom to them?—Yes.

3375. How long have you been a grocer?—Nine years.

3376. Is this the first occasion on which you voted on that side of the question?—I had no vote till the passing of the Reform Bill; the voting was confined to burgage tenements.

3377. Have you had an accession of custom from other quarters?—Yes.

3378. Were there any other accounts that you lost?—Yes, we lost Dr. ———'s.

3379. Was that a valuable custom to you?—Yes, it was a very good account.

3380. Probably this disposition to deal with parties of the same political opinions with

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with the customer prevailed on both sides, both on the popular and the anti-popular side?—Very likely it might.

3381. You think it did?—I think it very likely; there was a great deal of bad feeling at the time.

3382. Had any of the persons who have transferred their accounts to you since the election of 1832, been in the habit of dealing previously with tradesmen in the opposite political interest; you were understood to say that certain parties had transferred their accounts to you?—I was asked whether we had acquired any fresh customers, and I said we had.

3383. Now had any of these fresh customers been in the habit, previously, of dealing with parties in the opposite political interest to yourself?—I should think they had.

3384. Therefore this practice prevailed on both sides?—Yes, I believe it did.

3385. Had Mr. Staveley any dependants among the electors?—I do not think he has any property at all in Ripon, of any consequence.

3386. Mr. Crompton has?—No. His brother lives four or five miles from Ripon.

3387. Has his brother any property in the borough?—No, I do not know of any.

3388. You said just now that Dr. ——— had ceased to deal with you since the election?—Yes.

3389. Dr. ———'s name is here in the list of neutral voters?—I am speaking of 1832; that is 1835; but that may very easily be accounted for, by his being in London at the time of the election.

3390. By neutral voters you mean voters who did not poll at all?—Yes.

3391. Do you think this disposition to transfer custom from a party who does not vote as the customer wishes, has the effect of inducing electors to look to other considerations than the fitness of the candidates to discharge their duties properly as Members of Parliament?—Yes; I think most shopkeepers consider their own interest rather than that of the public.

3392. Are you of opinion that the voters of Ripon who hold houses as tenants of —— ——— would now feel comfortable, or free to vote at any future election on behalf of a candidate opposed to that interest?—I think they would not do it.

3393. Have you heard any of them speak to that effect, or use expressions which meant the same thing?—No, I cannot say that I have.

3394. Are there any persons in Ripon who feel a desire for the protection of the ballot in voting?—Yes, a great many.

3395. Among what classes of electors does this feeling prevail?—I think among the middle class chiefly—shopkeepers and such like.

3396. Does it prevail among the tenants at will?—Yes; they are all tenants at will, and most people with us seem to wish for it.

3397. Are they of opinion that they cannot exercise the franchise freely without it?—Yes, they are.

3398. Are not men's political opinions pretty well known, those who have votes?—Yes.

3399. For instance, do you think the ballot would be any protection to yourself?—I do not mind about it myself.

3400. You are a shopkeeper, and you have told us of the evil you felt, and you think that evil might have been averted; you say you acted on the committee for one party?—I have acted on both elections; and if I had been afraid of any consequences arising from my taking an active part, or voting contrary to —— ———, of course I should have acted differently.

3401. Do you think the ballot would be any protection to a person of spirit like yourself, whose feelings would not allow him to disguise his political opinions?—No; if he chose to make them known, it would be no protection to him.

3402. Were there any persons at Ripon who forbore to give their votes at all at the election in 1832?—I think nearly the whole number were polled in 1832; they polled nearer then, for there are 339 registered electors, and 168 voted for Staveley and Crompton, and 162 for Dalbiac and Pemberton; that would leave nine not polled, which may be accounted for by death, removal and illness.

3403. But though the ballot would not protect active and forward men like yourself, yet would it not protect those voters who, without taking any active part in the election, were content to deliver their own votes without attending committees?—I think it would be a very great protection.

3404. Are the tradesmen under any apprehension that they should not be able

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to keep their own secrets, as to the way in which they voted?—I do not think they were afraid of that.

3405. You have a very close corporation at Ripon, have you not?—Yes.

3406. Are you aware of the fact, that all the elections of that corporation were carried on by ballot?—I really do not know whether they were or not; I am not a member of the body, and cannot speak to that.

3407. You took so little interest in it?—I may have heard it talked about, but I could not say whether they were elected by ballot or how.

3408. How many does the corporation consist of?—12 aldermen, 24 common councilmen, a recorder and a town clerk.

3409. There was a person named ———, you said, who had had his pension taken away?—Yes.

3410. He attributes it to the vote of his brother?—Yes.

3411. Is —— ——— a relation of his; for they both appear to live at the same place?—I think he must be a nephew of his.

3412. He voted for Dalbiac and Pemberton?—Yes, I think he did; I think —— ——— voted in 1835; what I spoke of was the consequence of —— ———'s vote in 1832.

3413. Do you know how the other ——— voted in 1832?—I think he was not a voter in 1832; he is not registered.

3414. Could you give the names of those 15 persons who voted on account of cow-houses?—I will try and make it out.

3415. Were those 15 votes objected to before the barrister?—Probably some of them might be; it did not necessarily follow that they should be objected to; if they were considered good votes, they would not be objected to by our party.

3416. Do you think the inhabitants of Ripon are generally anxious to have the ballot?—Yes. I think I did not give you the number of houses and buildings in the township of Ripon which —— ——— has; viz., 72 houses valued at 10*l.* a year, and only two of them with land adjoining; 66 valued under 10*l.* a year, and no land adjoining; five buildings above 10*l.* a year, such as offices and brew-houses, not dwelling-houses; 28 under 10*l.* a year, various small erections, consisting of cow-houses and such like; all the cow-houses in this recent valuation are valued now, and those 28 will be a part of them.

3417. Is there any thing further you wish to add?—I think not.

3418. You say that in 1835 there were 169 different votes for Dalbiac and Pemberton; only 59 of those were tenants, or under the control of —— ——— at all, were they?—In the second election there were about 110 tenants of —— ———.

3419. And what was the number polled for Dalbiac and Pemberton?—Dalbiac 246, and Pemberton 235.

3420. Who do the other voters principally hold under, any great proprietor?—A variety of landlords, a great number of landlords.

3421. Are there many that occupy their own property?—Yes.

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3422. YOU are a solicitor at Halifax I believe?—Yes.

3423. And clerk to the magistrates?—Yes.

3424. You have a partner who takes the opposite side of the question, have you not?—Yes.

3425. What is the name of that partner?—Stansfield.

3426. You were upon the committee of the Blue interest, I believe, at the last two elections at Halifax?—Yes.

3427. You did not come up on purpose for this occasion, and have not, it is feared, very perfect information as to the number of voters and inhabitants?—I dare say I could tell within a few.

3428. Can you tell how many voters were on the register in 1832?—From 500 to 520.

3429. And in 1835?—About 640.

3430. What is the population of the borough?—I should think about 20,000.

3431. That by the census of 1831?—Yes.

3432. About what is the population of the parish?—About 120,000.

3433. Were you present at the elections of 1832 and 1835?—At both.

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3434. Who were the candidates?—In 1832, Mr. Wood, Mr. Briggs, Mr. Wortley, and Mr. Stocks.

3435. Upon that occasion did the non-voters in the borough take any part in the election?—Yes, they took a part in coming in great crowds to the town.

3436. Then you include not merely the non-voters of the borough, but the non-voters of the parish?—Yes.

3437. Did they come merely as individuals or in what way did they come?—From some of the townships they came in bodies, with banners and flags.

3438. In which interest?—Either Mr. Stocks or Mr. Briggs, but I should say on Mr. Stocks.

3439. Mr. Briggs and Mr. Wood coalesced?—Yes.

3440. Mr. Stocks stood on what was termed the Radical interest?—The Radical interest.

3441. They either came in the Radical or the Whig interest?—Yes.

3442. You could scarcely say decidedly which?—No.

3443. Were they decidedly in opposition to the Blue interest?—Yes.

3444. In what sort of numbers did they come?—You are alluding to the election of 1832?

3445. Yes?—They came in bodies of several hundred together, and, in fact, the town was like a fair the two days of the election.

3446. Did they attend the nomination?—They attended the nomination in immense numbers; I should say several thousands.

3447. Did they come there with banners and bands?—Yes.

3448. From what distance from the borough did they come?—Probably from seven or eight miles, I dare say some of them had come.

3449. Did they interrupt the proceedings of the nomination?—Certainly they did.

3450. In what way?—By preventing the proposers of the candidates being heard.

3451. In your opinion, if the out-voters, the non-voters who so came in bodies had not been there, would the interruption have been so great as it was?—Certainly not.

3452. Do you mean they intentionally interrupted the proposers from being heard, or that it was the necessary consequence of such multitudes being present?—I should say they did it intentionally, from the noise they made, the effect of which was to prevent any one from being heard.

3453. Did they interrupt one more than the other?—Certainly they did.

3454. After the nomination, did these bodies of men with bands and flags parade the town?—They did.

3455. Did they come into the town again on the day of the poll?—During the polling day they did.

3456. Did they come in on the morning of the polling days with their bands and their flags, as they had done before?—I think they did; I have not a distinct recollection of it, but I should think they did.

3457. Now towards the end of the first day's poll in 1832, was there any disturbance?—Yes, there was.

3458. The first day's poll?—Yes.

3459. What time of the day?—About 4 o'clock, I should say; immediately upon the close of the poll, in fact, for that day.

3460. What was the state of the poll at that time?—I do not recollect the numbers, but Mr. Wortley was 40 or 50 behind Mr. Briggs, and about 10 or 12 behind Mr. Stocks. Mr. Wortley was at the bottom of the poll.

3461. Mr. Wortley and Mr. Stocks were the two Tory candidates?—No; Mr. Stocks was the Radical, Mr. Wortley was the Tory, and Mr. Wood and Mr. Briggs were the Whigs.

3462. Did they attend again in 1832, on the second day of the poll?—Yes; but I do not think they were in such numbers then.

3463. The election was considered as decided on the first day, was it not?—Yes.

3464. You say there was some violence on the evening of the first day's poll, to what extent did it go in 1832?—The front windows of Mr. Wortley's committee room were completely broken in pieces, and I think one or two other windows in the town.

3465. It was confined to the inn in which the committee sat upon that occasion? It was, and to the immediate neighbourhood.

3466. Had you occasion in the course of the election to canvass any persons?—Yes.

3467. During the polling days?—No, I do not think I did; I think I was at one of the booths as a check clerk.

3468. How long before the nomination day was it that you canvassed?—I canvassed up to the time of the nomination. I was merely actually not canvassing when I was in the booths.

3469. The feeling among the labouring classes was very strongly on the one side and against the Blue interest?—It was.

3470. In the course of your canvass did you find any voters who were influenced by fear of that?—Yes.

3471. What class of persons especially did you find subject to that influence?—Beer-shop keepers and small shopkeepers.

3472. Did they give you any reason for not voting for the Blues?—I have no doubt there were several of them; I can recollect one in particular, who stated he should be very glad, but he really dared not, for he should have some injury committed upon him.

3473. Did you hear from any voters that the lower classes came to them and told them if they did not vote for their candidates they would refrain from coming to their houses?—I do not recollect that at the first election.

3474. Do you mean, you do not remember an instance of that kind coming within your knowledge, or that you did not hear of such a thing?—I heard of such a thing at the first election, but I did not hear it from any of the parties themselves.

3475. Did you hear it from parties who induced you to believe it?—Certainly.

3476. How did the beer-shop keepers and small provision keepers in general vote upon that occasion?—With very few exceptions, in favour of Mr. Stocks or Mr. Briggs.

3477. You are of opinion, from your knowledge of those persons, that there were a considerable portion of them who voted for Mr. Stocks and Mr. Briggs, in consequence of the fear of losing custom, and not in consequence of their political opinions?—Certainly.

3478. Were there any of these beer-shop keepers or small tradesmen who actually lost the custom of the working classes in consequence of the votes which they had given at the election of 1832?—Not that I know of.

3479. Have you heard of any such instances?—I think there have been instances, but at the moment I cannot recollect the parties, and I should like to recollect them before I stated it.

3480. Was there any resolution adopted and promulgated by the working classes, or small shopkeepers, with reference to confining their dealings to those who supported their interest?—Not at that election.

3481. Did you in the course of your canvass at the last election hear that they had been injured by voting for Mr. Wortley at the last election?—I have no doubt of it.

3482. Were those persons from whom you have heard that small shopkeepers, or in that class of life?—They were small shopkeepers.

3483. In the year 1835, were the labouring classes still, with some exceptions, in the Yellow interest that is opposed to Mr. Wortley?—Yes, but not so strongly as on the former occasion.

3484. Who were the candidates in 1835?—Mr. Wood, Mr. Wortley, and Mr. Prothero.

3485. Mr. Wood and Mr. Prothero being in the Yellow interest?—Yes.

3486. Now before the nomination day in 1835, was there any public meeting called by advertisement, placard or otherwise?—There was a meeting of the non-voters expressly called to support the interest of their party.

3487. The Yellow party?—The Yellow party.

3488. Do you happen to know whether there were meetings of that description called, not only in Halifax, but also in the other townships in the parish?—No, I do not.

3489. Do you remember such a meeting being called in the township of Ovendon?—No, I do not.

3490. Where were they to meet?—They met, I believe, at the Lancasetrian school-room; it was at a school-room, I recollect.

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3491. What meeting are you now speaking of?—A meeting of the non-electors.

3492. Previous to the election of 1835?—Yes.

3493. Do you remember a meeting being called by placard to meet on the nomination day before the Museum?—Yes, there was a placard issued a day or two before the election, stating that non-electors would meet in Harrison-lane, and from thence would go to the place of nomination.

3494. Is Harrison-lane where the Lancastrian school-room is?—No, it is not; they are two distinct meetings.

3495. The meeting of which you spoke at the Lancastrian school was a meeting of the non-voters to discuss who they should support?—Yes.

3496. But the meeting to which your attention is called was one to be held in the open air, and to proceed to Harrison-lane, and from thence to the place of nomination?—Yes.

3497. Is that an open space in the town?—Yes.

3498. In consequence of that placard, did large bodies of non-voters come from several townships in the parish with bands and flags?—I believe there were; I did not see them myself, but I believe there were large bodies.

3499. Was it not notorious?—It was notorious that large numbers did assemble; there were not so many there as were expected, but they joined them in their way to the place of nomination.

3500. Did you attend the nomination?—I did.

3501. Did they go to the nomination in that array?—Yes, I saw there a large flag with "Non-electors" upon it.

3502. Those words were upon the flag?—Yes.

3503. In what numbers did they attend the nomination, do you think; what proportion did the non-electors coming from a distance bear to the multitude of persons who came from the borough itself?—I should think there must have been three or four to one of the non-electors; that is, there were three or four to one residing out of the borough, as compared with those residing in the borough.

3504. Were the labouring classes within the borough more divided; that is, more favourable to the Blue interest than the mass of the labouring classes throughout the parish?—Certainly.

3505. At the nomination in 1835, were the proceedings interrupted?—They were, but not to that extent that they were interrupted before.

3506. Did they allow the proposer or seconder of Mr. Wortley, or Mr. Wortley himself to be heard?—Very imperfectly.

3507. Had you the means of observing whether those interruptions came principally from the inhabitants of the town, or from the persons who had so marched in?—From the persons who had marched in.

3508. Did you remain to the end of the proceedings at the nomination?—Yes.

3509. The nomination was held in the Piece Hall, was it not?—Yes.

3510. That is the woollen market?—The market for woollen goods.

3511. Did you go with Mr. Wortley's friends from the Piece Hall back to his committee?—I am not quite certain whether I went in a body with them or not; I think it is most probable I did.

3512. Did you see any violence that took place between the Piece Hall and the committee-room?—Yes, I did; I recollect now that I did, for I remember seeing the flags torn down.

3513. What flags were torn down?—The Blue flags.

3514. Was that the nature of the violence?—There were some people apprehended.

3515. In consequence of that, was there a scuffle at that time?—Yes; the beginning of it was, some parties in the Yellow interest, at the gate of the Piece Hall, standing close by the door of a warehouse, threw some coppers down among the crowd, and the mob began to scramble for it, and knocked some gentlemen down.

3516. There was some disturbance there?—Yes; it was considered as directed against some of the Blue gentlemen, for the coppers fell among some of them, and Mr. John Emmett was very roughly handled, and remonstrated with them.

3517. The fault, then, originated with the person who threw the pence, and it was not from any design on the part of the populace?—There was no design, I should think, at that time.

3518. Had you passed through a great body of non-voters?—Yes, we had passed through non-voters at the hall, and this occurred just coming out of the hall; and the

the greater violence was some minutes after, when the first disturbance had subsided.

3519. Now did these bodies of persons attend also upon the days of the polling?—Yes.

3520. In considerable numbers?—In very great numbers.

3521. During the first day, Mr. Wood and Mr. Prothero were at the head of the poll, were they not?—Yes.

3522. Mr. Wortley was a few votes behind?—About 12 or 13 votes behind Mr. Prothero.

3523. Was there any disturbance that night?—I think not that night.

3524. After the close of the poll on the first day, were you one of those who examined into the numbers of the remaining voters?—Yes.

3525. Did you, upon that examination, find that there was enough to give a considerable majority of promised voters for Mr. Wortley?—Yes; when I say a considerable majority, it was about 10, which we thought considerable.

3526. There were not above 100 voters left unpolled?—About 100 or 110.

3527. Can you give any reason for so large a number of Mr. Wortley's voters having refrained from voting on the first day?—There were several declined to come up, in the hope that we might do without them, and who would rather not vote than vote.

3528. On what ground?—On account of their customers.

3529. In what class?—Among the lower orders, and from the parish.

3530. What description of tradesmen principally?—Small shopkeepers.

3531. Is Halifax a very considerable market?—A very large one indeed.

3532. And do a great number of persons come in from the parish on market days?—Very great numbers.

3533. And do those persons deal with the small shopkeepers in Halifax?—They do.

3534. You say you were present at the nomination; do you remember hearing at the hustings, any thing said about exclusive dealing; did you hear the proposer or seconder of Mr. Wood say any thing of that kind?—Yes, I recollect Mr. Brown making an observation, the bearing of which was, that if the Blues had the wealth and respectability of the place with them, he hoped that the non-electors would show them that they had also their money to spend, and that they had a degree of influence they might exercise as well.

3535. Did not the Yellow party complain of intimidation having been used by the Blues?—There was something said about it.

3536. And the Blues complained of intimidation used by the Yellows?—Yes.

3537. There was mutual recrimination?—Yes.

3538. In consequence of which were these expressions used by Mr. Brown on the hustings?—I have no doubt about it.

3539. Was there an association announced and placarded, as to be formed by the Yellow party?—There was, about a fortnight or three weeks before the election, alleged to protect voters in the due exercise of their rights; and that association was formed at one of the committee rooms of the Yellows.

3540. In your opinion, what was the object of that society?—I think the object of it was to protect their voters against what they would consider improper influence on our side, and probably to induce many neutral men to join them.

3541. Was it with a view, do you believe, to the transfer of custom, or how did they propose to protect them?—I do not know; I never saw their rules, and do not know much about it. I fancy it was an abortion, for we never heard of it afterwards.

3542. Was there any advertisement which issued from that society, or any public notification of any kind?—I saw nothing more than the first announcement of the association, that parties wishing to enrol themselves were to go to the Old Cock Inn.

3543. Are you aware that any other means were taken for protecting the voters?—In what way?

3544. In any way. Are you aware that that society ever took any other means of protecting the voters, than that of giving their custom to their friends?—No.

3545. What other means could they adopt?—I do not know; I know very little of the society.

3546. On the second day of the polling, did Mr. Wortley get above Mr. Prothero?—Yes, he got second.

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3547 About what time of the day?—I should say about eleven or twelve o'clock; perhaps earlier, but I am not quite certain.

3548. Do you remember how far he was above Mr. Prothero at two o'clock?—I think six or seven at two o'clock.

3549. At that time was the election considered to be nearly over?—It was considered as decided; I went home.

3550. After that did any riot take place?—Yes, a very serious one.

3551. At what time?—It seemed to begin between three and four.

3552. Did you see any thing of that riot yourself?—I heard them in the Swan; I was inside when they were battering at the gates.

3553. They destroyed the whole front of the house, did they not?—Yes.

3554. The house where Mr. Wortley's committee was held?—Yes.

3555. Besides that, did they break all the windows, and in some places break into six or seven houses of persons in the interest of Mr. Wortley, in the borough?—More than that—between 20 and 30 I should think.

3556. Were there any beer-shop keepers whose houses were attacked?—Several.

3557. Were they persons who had voted for Mr. Wortley, or otherwise?—Persons who had voted for Mr. Wortley.

3558. Were there any public-houses that were attacked?—Several.

3559. Was there any person's house attacked who had voted not for Mr. Wortley alone, but for Mr. Wortley and Mr. Wood?—I do not recollect any.

3560. Was there any house of any person attacked who was attached to the other party?—No.

3561. Do you know from your own knowledge, or from information on which you can rely, of any case or cases in which those riots had an influence upon the state of the poll?—Certainly I do.

3562. Do you remember the case of a man named Whitaker?—Yes.

3563. Had he voted up to that time?—He had not voted up to three o'clock; not before the beginning of the riots.

3564. What was Whitaker?—A publican.

3565. Was there a public-house almost next door to him, belonging to a man named Smithson?—Yes.

3566. Was his one of the houses attacked?—Yes.

3567. Had you ever canvassed Whitaker yourself?—No, I had not.

3568. Do you remember how he was returned in the canvass?—He was returned as voting for Mr. Wortley.

3569. Was he sure to vote at all?—I think there was some doubt as to his voting rather; he wished not to vote, but if it was necessary he would give us a vote; however, it was put down for Mr. Wortley.

3570. Did he in fact vote?—Yes.

3571. Was that after or before the house of Smithson was attacked?—Immediately after, I believe.

3572. Which way did he vote?—Either a plumper for Prothero, or for Wood and Prothero; but I think it was a plumper for Prothero.

3573. Have you heard from any person on whom you can rely, any of the circumstances under which that man voted?—Yes.

3574. From a person who was present?—Yes; two, indeed.

3575. Can you name those two persons?—One was a party from whom I took some depositions in reference to the riot.

3576. They are persons you believe?—Yes.

3577. State the circumstances.—The mob were going by the house, and Whitaker was in a part of the house where there was some company, and some part of the mob called out that they should come and see him again if he did not vote for Prothero; and then they broke the windows of the adjoining house, the master of which had already voted for Mr. Wortley; and coming again they said, if Whitaker did not vote for Prothero, they would break his windows too. After that, a partisan of Prothero's called Whitaker, on pretence of wanting to speak to him, and five or six or more immediately surrounded him, and took him up to the polling booth, which was within 20 or 30 yards of the place.

3578. Do you mean five or six took him out of the house, or that five or six people accompanied him when he got out of the house?—He went into the yard voluntarily to speak to a person who said he had some communication to make to him; immediately he got into the yard, five or six others took him out of the yard, and along with a number of other people conveyed him to the polling booth.

3579. Did

3579. Did they actually lay hold of his person?—So I was told.

3580. Did they forcibly take him?—Some would say forcibly, and others not.

3581. Had they hold of his person?—They took hold of his arm.

3582. After he had left his own premises, do you mean he went with five or six persons, or was he surrounded by a mob?—He was surrounded by a mob when he left his house.

3583. Do you think he went unwillingly?—I think he would rather not have gone.

3584. That person voted against Mr. Wortley?—Yes, he did.

3585. Do you know any cases of violence done to persons who refused to vote at all?—Yes.

3586. Just mention them; were they at the same time, or about the same time?—About the same time; very shortly after this case of Whitaker, the mob proceeded to the house of another publican named Waddington, who had not voted.

3587. Had that man refused to vote for either party?—He had.

3588. Up to that time?—Up to that time.

3589. Is he a man, in your judgment, of any political opinions?—I should say not very strong; lately he is become more so, from his vexation at what he considers the improper conduct of the Yellows towards him.

3590. In your opinion, has he any strong opinion on politics?—No, I think not.

3591. Tell the Committee how you came by information in this case?—There has been a trial at the assizes at York; in one of the newspapers published in the town there was a statement detailing the occurrence, and naming some of the parties implicated; and one of those parties brought an action against the paper for a libel; there was a justification pleaded, and Waddington brought a cross action against the same party for the assault.

3592. The truth of the facts was established by the verdict of the jury in that case?—Yes.

3593. In the action for libel?—Yes.

3594. Not the action brought by Waddington himself, but the action brought by the party charged in the newspaper?—Yes, and immediately on that, the party against whom Waddington brought his action consented to a verdict against him for 40*s.* damages.

3595. Now state what was proved?—The mob went to the house of Waddington, and called out that he must vote for Prothero, and that they would come again in the course of a quarter of an hour if he did not go and vote; the house at that time was very full of company of both parties, one party endeavouring to keep him firm in his determination not to vote at all, and the other party endeavouring to make him vote for Prothero; the mob returned in a quarter of an hour, and told him if he did not vote for Prothero, they would pull his house down; upon that some of the parties rushed into the house, and took hold of Waddington in his kitchen, and dragged him out; his daughter was calling out at the time, "Father, do any thing to save us;" they tore some part of his clothes in pulling him out.

3596. He was dragged to the poll?—He was dragged to the poll.

3597. When he got to the poll did he still refuse to vote?—His answer was first of all, "I am brought here, I suppose, to vote for Prothero;" the returning officer made some observation, that he could not take a vote that was given on compulsion; and he said "I cannot vote with safety;" he was then ordered to retire to the adjoining room, and his vote was not taken.

3598. Have you heard from Waddington since that time that he has been injured in his business?—Yes.

3599. You are understood to say, Waddington's vote was not taken ultimately?—It was not.

3600. And though he voted for nobody, you have heard since that he has been injured in his business?—Yes.

3601. As a publican?—As a publican.

3602. Do you know any other case of a person who did not vote at all?—I know a case where a party was brought up to the poll and did not vote at all; but I do not know whether he was injured in his business.

3603. What was his name?—Jennings.

3604. Was he a person who had refused up to that time to vote for either party?—Yes.

3605. What was his business?—A druggist; he was taken up, I should say, by force, for I saw him in the act of being taken; there was a great crowd before, behind

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behind and all round him; and when he got into the booth, or rather, on his way to the booth, he was met by one of the other party to whom he had made a promise not to vote at all, and this party forced himself into the booth along with him, but was ordered out of the booth, as was also a gentleman on the other side who accompanied him; when the returning officer asked the man's name, he gave his name; and on being asked for whom he voted, he hesitated, and said he would not answer that question, and did not vote.

3606. You say you do not know whether he complained of injury or not?—I do not.

3607. Do you know whether any injury was threatened?—I do not.

3608. During these times was there a great disturbance in the street?—Yes.

3609. Were you out in the street?—I was.

3610. According to your observation, should you say that those riots, and that disturbance at the poll and elsewhere, were mainly occasioned by the inhabitants of the borough itself, or by persons who had nothing to do with the election?—By persons who had nothing to do with the election.

3611. Strangers to the borough?—Strangers to the borough.

3612. What is the state of the police in Halifax?—At that time or generally?

3613. Generally; but first, what means are there of protecting the voters at an election?—Very slight indeed.

3614. What standing police-force is there there?—The regular police-force is only two constables and two deputy-constables under them; at that time there was only one deputy, there are now two deputies.

3615. Were there no special constables sworn in for the occasion?—There were.

3616. How many special constables were sworn?—I think 70 or 80.

3617. In your experience, do you find them efficient persons for protecting the voters?—They have not been so yet.

3618. Is there a corporation at Halifax?—No.

3619. Then it is the county magistrates before whom the special constables are sworn in?—Yes.

3620. There are two head constables there, are there not; and what are their duties?—To superintend the police regulations of the town, and to preserve the peace.

3621. Do they, in fact, regulate the police of the town?—Yes.

3622. And the magistrates of the county do not much interfere with their duties, as regards the police; is that so?—Yes.

3623. The two head constables have the management of the police, and of the constables of the police?—Yes.

3624. Did those head constables take any part in the election?—Yes.

3625. Were they partisans on either side?—Yes; both partisans of the Yellow side.

3626. How are they elected?—By the rate-payers.

3627. How often?—Annually.

3628. Under a local Act or by prescription?—By prescription, I believe; Halifax is part of the manor of Wakefield, and the constables are sworn in by the lord of the manor's deputy.

3629. There are commissioners of police, are there not?—Yes, there are commissioners of police.

3630. Do you remember how many?—No; there is no stated number.

3631. How are they appointed?—Any one who has a certain qualification in the town is a commissioner.

3632. Under what authority?—Any one who possesses the qualification—

3633. Becomes a commissioner of police?—Yes.

3634. Is that under the local Act?—Yes.

3635. What powers have they as to the police?—I think they have the appointment of watchmen, and they have to pay the deputy constables, but that is all the power they have, I believe.

3636. Has every rate-payer a voice in the election of head constables?—Yes.

3637. Has that election, in any case that you are aware of, been made a test of the strength of political parties?—Once it was.

3638. Was that immediately before the election of 1832?—I believe it was; it was somewhere about that time; I believe before the election.

3639. In your opinion then, is the police of Halifax inefficient to preserve order, and to protect the voters at the time of a contested election?—Yes.

3640. Do you think, if there was an efficient police, that the voters would have an

an opportunity of exercising their franchise with greater freedom?—Yes; but so long as the non-voters come into the town in such numbers, I conceive scarcely any police would be sufficient.

3641. Can you suggest any means of checking the non-voters coming in from a distance, in the way which you describe?—I should say by not allowing them to bring any banners, or have any music or flags so as to show on which side they come.

3642. You think they would then come in smaller numbers and in a quieter disposition?—I think they would.

3643. Is that the only way in which you suppose it would be possible to do any good?—Yes, except you could keep them out altogether.

3644. By penal enactments?—Yes, or in any other way.

3645. Now, since the election of 1835, can you mention any instances of injury to tradesmen, or violence to them?—Of injury certainly, from their loss of custom; some of them have complained that their customers have left them.

3646. In what class?—Shopkeepers.

3647. And what class of customers?—The country customers.

3648. In the lower classes?—In the lower classes.

3649. Has any injury or violence, or threatening to tradesmen, come to your knowledge since the election, as clerk to the magistrates?—Yes.

3650. Mention a case.—One was the case of a man named Metcalfe.

3651. What is he?—A grocer; he has been accustomed, on Saturday, to sell very largely to the country dealers; and for several Saturdays a mob beset his door about five or six in the evening, which is the time the country people make their purchases, and has continued there till he has been obliged to shut up his shop; the mob has called out "Blue" to any one going into the shop, and in fact deterred the country people from going in.

3652. Insulted them?—Yes; shouting out and pointing to them, and saying, "there goes a Blue;" so that the country people were kept out of the shop.

3653. Has this had the effect of injuring his custom?—Yes; in consequence of this continuing for I think two Saturdays, and representations having been made to the magistrates on the subject, they sent a message to the constables with the form of a placard, which they wished to have stuck up in the town, cautioning parties from assembling in numbers on the market day, to the molestation or injury of any one.

3654. The magistrates of the riding sent for the head constables?—Yes.

3655. Had the head constables taken any measure up to this time to prevent this evil?—I believe they had been sent to, and had gone to the place on Saturday, but they had not been able to stop it.

3656. Are there any other cases of injury to voters that you are aware of?—I have heard of several.

3657. Was that the only shop at which those disturbances took place?—I believe it was.

3658. In what particular goods did this man Metcalfe deal?—Groceries.

3659. Cheese and bacon, and so on?—Yes; and general groceries to supply the country dealers.

3660. Metcalfe voted for the Blues, did he?—He did. I have heard of several cases where parties have lost their custom, but I have not heard of any where the molestation has been so direct as in this case of Metcalfe.

3661. They have lost their custom from what class?—The beer shopkeepers and small shopkeepers.

3662. Not among the gentry of the town, but among the lower classes?—Yes, and the people of the out townships.

3663. Who license the public-houses?—The magistrates.

3664. The county magistrates?—The county magistrates.

3665. Have you heard of any cases of licenses being refused, or taken away, in consequence of the political opinions entertained by the parties?—No; I do not think, during the time I have been clerk to the magistrates, there have been more than two licenses taken away, one of which was in consequence of the representation of the constables, and was afterwards granted again.

3666. In fact, the majority of licensed public-houses were, in 1832, and also in 1835, opposed to Mr. Wortley's interest?—In 1832 certainly; and in 1835 perhaps they might have been more even.

3667. The magistrates are, by a considerable majority, in Mr. Wortley's interest, are they not?—Yes.

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3668. Have you heard of any new licenses being refused to be granted in consequence of the political part that the applicants have taken?—Certainly not.

3669. Are the lower classes in the habit of meeting in clubs in the town?—Yes, at the inns.

3670. Have you heard of any instances in which those persons have been affected?—I have heard of two or three houses where the clubs have been removed in consequence of their votes for Mr. Wortley.

3671. From your experience of the two elections at Halifax, do you believe that the practice of exclusive dealing prevails to a considerable extent?—I do.

3672. Do you confine this to the lower classes, or to one party, or do you believe that it prevails with persons of all classes?—I do not think among the respectable classes there is that principle.

3673. In none at all?—No doubt it may occur in some instances; but I do not think it is by any means general.

3674. You alluded to an association that was formed a little before the nomination, to protect voters in the due exercise of their franchise; and you also mentioned a speech of Mr. Brown, at the hustings, in which he said, that if the Blues resorted to any means of injuring their voters, they would find that the Yellows had it in their power to revenge themselves?—He left it to be inferred, I think, that the Blues had interfered with their tradespeople, and that they would find their non-electors had influence as well as the electors.

3675. Then you think Mr. Brown meant to allude to certain interference that had been practised by the Blues against the tradespeople with whom they dealt?—Yes; or if not, it was with a view to its being supposed that the Blues had the wealth of the place with them, and of course might interfere with parties if they chose.

3676. Do you think Mr. Brown, in making that allusion, was mistaken in supposing there were any such cases of interference?—I think it is very likely there may have been some cases, but I do not think the practice was at all general; I do not know of any cases myself; I have no doubt there were some cases, but at the same time I do not know of any.

3677. You do not know of them as far as your own knowledge extends?—No; and I have not heard of any.

3678. Have you made it your business to inquire?—Certainly not.

3679. Did the majority of the wealthy persons in Halifax support the Blue interest?—Yes.

3680. And are there any cases, within your knowledge, in which change of custom has taken place from one tradesman to another by those persons?—None, to my knowledge, at the same time I think it is very likely that there have been cases.

3681. In your opinion, it is a practice not so much prevalent among the higher classes of either party, as among the lower classes in that borough?—That is what I mean to say.

3682. Do the non-electors at Halifax consider the electors in the light of trustees, over whose votes they have a right to exercise an influence?—I do not know.

3683. If the non-electors of Halifax consider this, can the persons you have described, as entire strangers to the town, be considered as having any right to interfere?—Certainly not.

3684. You saw very little of the county election, did you? Were you in-doors all the time?—During the polling days, I was in-doors.

3685. How far is Halifax from Wakefield, the place of nomination?—Sixteen or 18 miles.

3686. What occurred on the morning of the nomination?—All the carriages that conveyed the gentlemen of the Blue party were attacked by stones, and in some cases parties were very severely injured.

3687. On their way to the nomination?—Yes.

3688. At what time in the morning?—At six o'clock in the morning.

3689. The Blue interest was the interest to which the lower classes were opposed?—Yes.

3690. Where did they collect?—At the North Bridge, at the exit from the town.

3691. Did you go to Wakefield yourself?—Yes.

3692. Then you saw it?—I was a sufferer from it myself.

3693. About

3693. About what number of persons were collected on that occasion?—There must have been two or three hundred people at one end of the bridge.

3694. Not more than two or three hundred?—I should say about that number; but I have no means of accurately judging, for I was inside a carriage.

3695. And that was a force over which a moderate body of police would have had some power?—Yes; but I do not think it was known to the authorities that there was any likelihood of such an occurrence.

3696. If there had been an efficient police in the town, would it not, do you think, have been known?—It ought to have been known.

3697. What happened at the bridge?—When the carriages arrived at the bridge there was a discharge of mud and stones.

3698. Some persons were severely cut and hurt?—Yes.

3699. Do you believe that, in consequence of persons being cut and hurt on that occasion, many persons, or any persons, were deterred from giving their vote at that election?—It was partly in consequence of that, and partly from intimidation practised during the days of polling.

3700. During the days of polling did you hear of any violence taking place from sources on which you can rely?—Yes; at one place, at Hebden Bridge, near Halifax, a number of voters were coming to vote at Halifax, and they were attacked by a mob, and in consequence did not come to vote at all.

3701. Did you hear of any place where they built a wall across the road?—Yes; it was about two or three miles from there.

3702. Is that near a place called Midgley?—I do not know exactly the name of it; it is not far from Mytholme Royd.

3703. Was that across a turnpike road?—A highway, not a turnpike road.

3704. What did you hear?—A gentleman had gone for a voter or two; and after he had gone up a private road, on his return, he found the highway blocked up by a wall built across, and several people who were there assembled began to throw stones at the party, and knocked one of the horses down.

3705. Have you heard from that gentleman whether both the voters he brought up on that occasion voted when they came to Halifax?—I believe not; I do not recollect his informing me any thing in particular about it, but I believe they did not vote.

3706. You do not know the particulars?—I do not.

3707. Do you know whether, since the last election for your division of the county of Yorkshire, there have been any manifestations on the part of the wealthier classes of an intention to adopt the system of exclusive dealing, similar to that you describe?—I know of none, and I have heard of none.

3708. You have not heard of a circular, or placard or advertisement issued at Doncaster?—No.

3709. Do you believe that any such system of exclusive dealing, of removing custom from tradesmen, has existed on the part of the wealthier classes, either in the borough of Halifax or in the West Riding of Yorkshire?—I do not believe it has.

3710. You were employed on the committee, were you?—Yes.

3711. What proportion did your canvass at Halifax for the Riding bear to the number of votes you polled?—I think the votes we had promised were between 400 and 500, and we polled 340, I think, or 350.

3712. Your poll was about 100 short of the promises?—Yes.

3713. Do you believe any persons were prevented from coming to the poll from fear of violence?—I do; I was told it in several places.

3714. Were you engaged in a canvass of the tenantry in the neighbourhood of Halifax?—No; my canvass was confined to the town, where most of the parties have freeholds, and reside upon them.

3715. Small freeholds?—Yes.

3716. Are you of opinion that any influence was exercised over them in giving their votes, either by landlords or customers, or any thing of that sort?—I do not know of any.

3717. In canvassing the tenantry, is it your habit to address yourself to the landlord first of all, and ask his permission to canvass?—We have very few tenantry with us, and I think there are scarcely any landlords who have any number of tenants, so as to make it a matter worth while to go to them.

3718. It is very much in the hands of small freeholders in that county?—Yes,

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it is; the only large proprietor in the parish was Lord Scarborough, and there was a letter, I believe, sent from him.

3719. To his tenantry?—To the steward.

3720. There were no large proprietors in the neighbourhood of Halifax then in the Blue interest?—No, I am not aware of any.

3721. Did you ever find that the vote of a small freeholder appeared to be influenced by a fear of giving offence to a neighbouring justice, or by a wish to please him?—Never.

3722. Do you not think the influence of justices operates on the small freeholders?—Not with us in the least.

3723. What manufactures are principally carried on at Halifax?—Woollen, cotton and silk.

3724. Are they principally carried on in factories, or by small subdivided establishments in poor men's houses?—Principally in factories.

3725. Are there many of the operatives in those factories who have votes, either for the county or the town?—No, not many.

3726. Has the master manufacturer much influence over the votes of the operatives employed in his factory?—If he chooses to exercise it, I should think he has.

3727. In order to obtain the vote of an operative, is it your habit to mention to the operative whose vote you solicit, that Mr. A., the master of the factory in which he works, is favourable to the interests for which you canvass?—No, for we have very few instances of operatives having votes; but if they had any, it would be a matter of such notoriety which side the master took, that we should not go to him to mention any thing about what political sentiments his master entertained, but we should go to him as a person independent of his master's political sentiments altogether.

3728. Does the master manufacturer ever go round with you to convass those voters who are in his employ?—I do not think he does.

3729. In fact, in Halifax, the franchise extends to very few operatives?—Very few indeed.

3730. Are there any operatives freeholders for the county?—A very few.

3731. Can you state the number of rate-payers in Halifax?—No; I do not know.

3732. Persons who vote for constables?—I have no idea what number there are.

3733. Could you fill that up in your evidence?—I have no means of ascertaining it.

3734. By letter you could fill it up?—I could send it by letter.

3735. You stated that the violences at the Halifax election were exercised principally by persons residing out of the town, and not in the town?—Yes.

3736. And that a different state of feeling prevailed among the lower classes in the town?—Yes; they were about equally divided, I should say.

3737. Is there any reason to be assigned for that difference of feeling between non-electors without the town and non-electors within it?—None, except that they have not the means of getting information so much as the people in the town.

3738. Do you believe them to be a more ignorant class, the non-electors residing without the town, than those who reside within it?—Yes, I should say so.

3739. Have the wealthy classes greater influence over the non-electors in the town, than they have out of the town?—I should not think there is much difference in that.

3740. Have the wealthy classes who are voters, a greater influence over the non-electors in the town than over the non-electors in the surrounding district?—I do not know.

3741. Some of the principal gentlemen in the Blue interest are personally very popular in the town, are they not?—Yes, they are.

3742. Would that account for it in some degree?—It might; but it is difficult to say what is the cause.

Alexander Edmund Cockburn, Esq., called in; and Examined.

A. E. Cockburn, Esq.

3743. IT is understood that you have had considerable practice before Committees of the House of Commons?—I have had some practice.

3744. And you have published Reports of proceedings that have taken place before Committees?—I have attended before almost all Committees which have sat during the last two or three Sessions, with the view of reporting the cases that came before them.

3745. Have

3745. Have you had an opportunity of observing the working of the present law against bribery?—I think I have, pretty fairly; and I have paid a good deal of attention to the subject.

3746. Are there any defects that particularly strike you in the substance of the law itself?—I should say not. I think there are a few of the penalties that might to a certain degree be increased; but I should say that the great defect in the law relating to bribery, as it now stands, exists rather in the law of evidence in proceedings before Committees of the House of Commons.

3747. Is it the pecuniary penalties that you would wish to see increased?—No; but it appears to me to be most material to increase the penalty as against any candidate who shall have been convicted of bribery by the determination of a Committee of the House of Commons, or by the decision of a court of law. Honourable Members are aware that, as the law now stands, if the sitting Member is convicted of bribery, he is only incapacitated from standing as a candidate at the next election. Now it appears to me, that you should not only incapacitate him from being returned at the next election, but that a person in that situation, having once had recourse to corrupt practices, is not a proper person to represent a constituency, and is to be presumed to be a person likely to have recourse to the same means of corruption again; and it appears to me, that that is a sufficient reason why he should not only not sit in the next Parliament, but why he should never sit again. Moreover, by attaching that penalty to the offence, you would hold out a greater and stronger motive to a candidate not to have recourse to those means which the law denounces as corrupt.

3748. With respect to a voter who is convicted of bribery, he is always incapacitated from voting again, is he not?—I apprehend that he is.

3749. But that is when he has been convicted in a court of law?—Yes; when the voter has been convicted in a court of law.

3750. Suppose a Committee of the House of Commons should report that particular voters had been guilty of bribery?—I think it material that they should be placed exactly on the same footing; and that the decision of a Committee ought to be put upon the same footing as the decision of a court of law.

3751. Are you aware of a decision by the Ipswich Committee, which was sitting very recently, which decision has been said to be entirely new, namely, that the person who had given the bribe was held to incur the same consequences as the person who had received it?—I believe the point never was so decided before; but at the same time I should state that I am not aware of any contrary decision; and I have no doubt in my own mind, that the decision of the Ipswich Committee was perfectly consistent, not only with principle and reason but with what is the law of the land. I think it is a perfectly correct decision, and I believe that is the opinion entertained generally in the profession.

3752. Do you think it material that that should be declared to be the law?—Most certainly I do. If you will allow me to go back to one of the first questions put to me, as to whether I thought the penalties sufficiently severe, I would say I think there is one penalty which is occasionally inflicted on a candidate found guilty of bribery, and which it appears to me ought always to be inflicted. It is that which the Ipswich Committee have adopted, and which has been thought to be almost without precedent, and is considered by many persons to have been a very harsh proceeding, namely, the infliction of costs upon the party convicted of bribery. I think that most material, for I am quite sure, from my own experience in cases in which I have been myself concerned, and in other cases in which I have advised, that one of the great reasons for not prosecuting cases of bribery is, that they cannot be brought home to the parties, except after very expensive proceedings, which expenses must be borne entirely either by the defeated candidates or the party in their interest. I think the general principle of law ought to prevail, namely, that where a party prosecutes a suit successfully, the costs should fall on the unsuccessful party.

3753. Would you apply that rule equally to the case of treating?—Certainly.

3754. The Committee wish to know whether a difficulty of this nature has not presented itself to your mind, that the party defending a petition is the party whom you would necessarily attach with the costs, in case he fails in his defence on the ground of bribery; and does not this give rise to this difficulty, that the party defending the election petition is not necessarily the party who would be convicted of bribery?—My answer to that question is, that wherever a party obtains a benefit by a given means, if he adopts the benefit, he must also adopt all the consequences which

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which attach to the means by which that benefit has been procured. It appears to me to be quite impossible to suppose that a seat in Parliament can ever be obtained by bribery, without the Member who is returned giving his sanction to it, or at least being aware of it. I cannot suppose such a case to occur, for the supposition appears to me to be inconsistent with common sense.

3755. In the case of a petition being defended by other parties than the sitting Member, or the party guilty of bribery, you would attach the costs, not as they are now attached, upon the person defending the petition, but the person guilty of bribery?—No. I say, if the sitting Member does not defend his seat, and other persons do, I would put them in his situation. If they defend the seat, let them do it at their peril. My great object is not so much to punish individuals as to protect the parties who, from a sense of their injured rights as electors, feeling that the seat has been obtained by corrupt means, endeavour to set aside the return. I would protect them against the expense which they would otherwise incur in unseating the Member who had obtained his seat by those practices.

3756. What would you do in the case of a seat being defended by the sitting Member, the bribery having been carried on as it was in two or three cases by clubs, or by other persons without his knowledge; whom would you in such cases attach with the costs?—I should say on general grounds, having in view the interest of the public, and the prevention of this very serious offence, that the sitting Member ought still to be visited with the penalty, which would have the effect of making him more cautious, lest any persons, however interested they might be in his behalf, should, in their zeal, commit a public offence; but it still might be left open to the Committee to make a special report, and if it was clear that the sitting Member had not any concern or participation in it, it might be competent to the Committee to fix the costs on those who they thought had been guilty of bribery, and, if they thought fit, to exonerate the sitting Member.

3757. In the case just supposed, do you think it possible that a sitting Member could defend his seat without being made aware, from the commencement of the proceedings, that bribery had been committed on his side, even though he had no participation in it?—I should certainly say not.

3758. He is therefore in that case, in your opinion, chargeable with all the consequences of defending a petition which he ought not to defend?—Certainly; for it is open to him to abandon his seat if he finds it has been obtained by bribery; if other parties have bribed, and he chooses to come and defend them, he is, in my opinion, amenable to the consequences.

3759. With reference to the principle as to the law of costs, when you recommend this measure, do you think it will apply unless you make the provision mutual, and that if the sitting Member should succeed, the petitioner should pay him his costs?—I think that if the petitioner does not succeed, he ought to pay the costs; I say that, however, with reference to future suggestions relative to the law of evidence; I think that, if you make the law of evidence as perfect as it ought to be, and if you give the parties who come forward to complain of the return every facility in proving their case, the party who puts the sitting Member to the expense of defending his seat, and fails to establish the charge, ought to pay the costs. I would say that, as the law now stands, I can conceive no case, except a case of actual infatuation, in which, if bribery is tolerably well managed, conviction would be possible.

3760. Would you not in such a case, with respect to the petitioners, leave the Committee the discretion they at present have of declaring the conduct of the petitioner not frivolous and vexatious, and not assessing the petitioner in costs, unless the Committee thought the charge had been brought forward on improbable grounds?—That would not be an unfair course.

3761. You are aware perhaps that in the Ipswich case there was a suspicion, which is more than obvious from the special report, that the seat had been vexatiously defended by certain means which were taken to keep witnesses out of the way; do you suppose that, according to the present law, without any such practices being resorted to to defeat the course of justice, the Committee would be bound to decide a defence frivolous and vexatious on the mere proof of extensive bribery carried on by the sitting Member?—Of course the law on that subject must depend on the general practice, for we have no other means of ascertaining; but judging from the practice, I should say that unless those practices had been discovered on this occasion, and the mere fact of bribery had alone been found by the Committee, they would not have attached the penalty of costs; I am aware that there are

those who think that the course adopted by that Committee was a very harsh one.

3762. Are you not aware of the great difficulty, or almost impossibility there is for candidates to control the actions of their zealous partisans during the heat of a contested election?—I should say that in isolated and individual cases that observation applies, but I cannot believe that extensive bribery can take place without the sitting Member being cognizant of it.

3763. Would not the effect of what you propose be to deter zealous partisans from having recourse to these corrupt practices?—I think so; I am satisfied that if any sitting Member were indisposed to allow bribery to be had recourse to, there would be none of it.

3764. Has it never occurred to you that where a candidate has most strictly prohibited bribery, and has declared his determination not to defray any expense, that parties have, by collusion and by enhancing bills, duped him out of money which they have expended in bribery?—I have no doubt that those cases do frequently occur.

3765. Would it not be very hard in such a case that the sitting Member should incur the penalty of costs?—I am quite aware that such cases do frequently occur, but I am equally sure that in almost all such cases, when the bills are presented to the sitting Member, he is very cautious as to instituting any very particular inquiry if he feels that the bills have been increased, or that the money has been given to influence his return; I have conversed within these few days with Members on this subject, and one or two of them admitted that they had had bills brought to them under those circumstances, and that they knew there were charges in those bills made for the purpose of using corrupt influence, and that they had not asked any question about them, and had taken very good care not to do so; that was said to me not three days ago. I may add that I believe it to be a very common practice indeed for agents to give their assistance, and for publicans to open their houses without any contract at all; without any thing like an express contract, and very frequently in defiance of the express orders of the candidate, and yet it always happens that the candidate eventually pays the bills.

3766. You state that the great difficulty in detecting bribery arises from the present state of the law of evidence?—The principal difficulty, I should think, arises from that cause.

3767. Do you think there is any such difficulty of proof in actions for penalties at common law?—There is, as regards the persons most immediately interested in the acts of bribery, and the persons whom it is the great object of the Parliamentary law of bribery to defeat; because at common law you must prove the agency, and although you may prove an agent to have bribed, and another party to have received a bribe, the law requires the strictest proof to connect the agent with the principal; therefore that defect exists as much at common law as in Parliamentary law.

3768. A general agency for the purposes of the election, unless the party is specifically an agent to bribe, will not attach any liability to the principal; is not that the state of the law?—Yes, of the common law.

3769. In fact, the common law requires much more strict proof, does it not?—Yes.

3770. Because with reference to the seat, the Members are held responsible for the acts of their general agent; but in order to found a criminal proceeding, or an action for penalties, you must prove a direct agency?—Yes, he must be an agent for that particular purpose.

3771. In proceedings before Committees of the House of Commons, do you find the present law of evidence, or the practice of Committees, throws great difficulties in the way of bringing home the offence to the real principals?—I do, on several grounds, the principal of which is, that the majority of Committees have always adopted the practice of insisting on the proof of agency, before they will allow evidence of acts of bribery to be gone into.

3772. Are you not aware that the decisions of Committees on that very point are contradictory, and that a Committee disposed to adopt either course may find plenty of precedents in its favour?—Unquestionably; but it appears to me that the law being doubtful, and the proof of agency being often so mixed up with proof of bribery that you cannot prove one without the other, the doubt existing on that point frequently deters people from prosecuting cases of bribery, lest they should be turned round on that very point.

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3773. Do you consider it extremely desirable then, that that point should be settled one way or the other?—Most undoubtedly.

3774. Have the means of so settling it ever come under your consideration?—I would settle it by a specific enactment to that effect in an Act of Parliament.

3775. Does any difficulty, in your opinion, arise from the circumstance of important witnesses being prevented answering questions which would have a tendency to criminate themselves?—No doubt, a difficulty does arise with respect to the protection which the law affords to witnesses. You may very frequently find, where you know from hearsay that a bribe has been given, and where you know the parties by whom and to whom it was given, that you may call both those persons before the Committee, and they both, of course, at the suggestion of the counsel or of the agents on the other side, will protect themselves under that rule of law, which declares that no man is called on to criminate himself.

3776. Do you think it would obviate the difficulty you have suggested, if it were enacted that it should not be lawful to object to answer questions, on the ground that they would, by answering them, criminate themselves?—Yes; but I think that, at the same time, there should be an enactment to the effect, that no answers they should give to questions put to them before a Committee, should afterwards be made available to criminate them.

3777. Leaving them liable to an indictment for perjury?—Certainly.

3778. But that a certificate should be given to them?—Yes.

3779. Would there not be this difficulty, that a man in giving such evidence, might not only furnish evidence against himself, which you would render inoperative, or at least inapplicable as against him, but that he might also furnish a clue to other evidence which might be brought to bear against him afterwards, in an action for penalties?—That is certainly possible; but I think we must look to the public benefit; the doctrine that a man is to shelter himself under the shield which the law throws over him from the consequences of his own guilt, appears to me to have been carried quite far enough, if not too far. The man who commits an act which the law prohibits, if he is visited with any consequences resulting from any evidence or information he furnishes, has no one to blame but himself, who perpetrated the act. A consideration of that kind ought not, it appears to me, to stand in the way of the great interests of justice.

3780. What the Committee had in view in putting that question was, to ascertain your opinion as to whether the dread of thus subjecting himself to future consequences might not induce the witness to give false answers, and whether in order to induce him to make a clear breast, it would not be possible or advisable to make the certificate extend to relieve him from all the consequences which might arise from the acts of bribery, with respect to which he gave evidence?—I think that a very material thing to do; for the object is not so much to punish the party bribed as him who gives the bribe; therefore I would not extend the exemption to the party who gave the bribe, but I would to him who received it; for you would attain a greater object by inducing him to come forward, which you might do, if by giving that evidence you enabled him to exonerate himself entirely.

3781. Then to the witness who makes a clear breast, you would give a certificate which should be a full discharge of all penalties, disabilities and punishments, which he shall or may be liable to in respect of any bribe or bribes he may have received?—I think that would be a very material provision.

3782. Would you incapacitate him from being a voter?—That would be going a great way certainly, because he shows you so plain a reason for incapacitating him.

3783. Do you not think that this alteration in the law, with respect to persons criminating themselves, should be carried to such an extent that the member or candidate accused of direct or indirect bribery, or any participation or profit arising from bribery in any form, should be liable to be called before the Committee, and examined on oath respecting the matter?—I will state what has appeared to me upon the subject, and what, on reflection, I think the proper principles on which the law should be grounded. It appears to me, that if the opposite party can establish a *primâ facie* case of bribery against the sitting Member, or if they show that bribery has been resorted to in such a way as to influence the return to any material extent, though they may not be able to bring the charge home to the sitting Member; under those circumstances, I think it ought to be competent to the Committee to call on the sitting Member to come before them, and to purge himself of any participation in the corrupt practices which have been proved to have

have taken place; but it would be very hard upon him, if merely because such a charge was brought against him, for which there might be no foundation, he were to be called upon at once to clear himself from the charge; therefore I think that ought never to be done, where the charge has not been first substantiated by *primâ facie* evidence. The difficulty is, that the law is not generally looked at by Committees in all its bearings. I apprehend that there is no doubt, that, in a parliamentary and constitutional sense, if a return has been materially affected by corrupt practices, whether those practices have proceeded from the sitting Members themselves, or from other parties, still, for the sake of the public and that of the honest part of the constituency, where a return has been so procured it ought to be declared void; but now the Committees have adopted the practice of expecting, not only that you shall prove bribery to have taken place, but that you shall bring it home to the sitting Member himself; and they have gone further than that, for they say, though you may be in a situation to prove bribery to the greatest possible extent, unless you can show that that bribery was authorized by the sitting Member, you shall not give evidence of it at all.

3784. Do you not think it would be very desirable, if you are not correct in your view of the law, to provide, or, if you are correct, to declare, that in all cases where bribery has been proved to have been carried on at an election, the Committee shall be enabled to go into those facts; and if it has appeared to them that so much bribery has prevailed at the election that it is probable the return has been influenced by such bribery, that that election should then be declared void?—Certainly.

3785. And would not the effect of such an enactment be to enable Committees to go into the question of bribery without investigating the question of agency until they come to the question, whether they should attach the sitting Member with the costs?—Precisely so. I would not say that that provision should apply to cases where it appeared to the Committee merely probable that bribery had been carried on; it ought to be made out fully to their satisfaction that the return had been materially influenced by bribery; for otherwise there might be individual cases of bribery committed by a party who assumed to be in the sitting Member's interest merely for the purpose of defeating him.

3786. But the effect would be to let in the evidence of bribery?—Yes; and I think you ought not only to let in the evidence of bribery, but make it imperative on the Committee, by providing, that where the return has been materially influenced by bribery or corrupt practices, whether resorted to by the sitting Member or not, the return shall be avoided by them.

3787. In the Hertford case you are aware that a great deal turned upon the proof of agency?—Yes; it occupied a great deal of the discussion.

3788. There the Committee let in the evidence of bribery, and took your view of the law, and unseated the sitting Members?—The question as to the necessity of proving agency before you prove bribery was brought before them, and they determined to go into the evidence of bribery before the agency was proved, but they did not say there had not been a *primâ facie* case of agency established, and the parties did not pretend to say that the mere proof of bribery would unseat the Members; but at the same time they proved the bribery, they proved also the agency, and the proof of agency formed a material part of the discussion. I think sufficient evidence was given to warrant the Committee in unseating the sitting Members; but there was nothing in that case to induce me to suppose the Committee determined the question upon the general view of the law which I am now suggesting.

3789. Now will you be good enough to state your opinion as to the Norwich case?—I do not entertain the slightest doubt of bribery having prevailed there to a very considerable extent; but in that case the Committee did not consider the bribery as affecting the sitting Members, because the petitioners failed to prove the agency. The Committee, in that case, determined in the outset, that unless the agency was proved, they would not consider any acts of bribery as affecting the sitting Members, or the return.

3790. Are you aware of a decision of the Penryn Committee in 1827?—I have read it.

3791. Do you recollect that the decision was to this effect, that gross bribery had prevailed there; that that bribery had been carried on by the agents of Mr. Manning, the sitting Member; that Mr. Manning had had no participation in those acts of bribery, and was not guilty of it himself, but that the election was void owing

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owing to that bribery?—But there agency was proved. No Committee has ever held otherwise than that general agency is sufficient, if you can prove it; but there is the difficulty, for it rarely happens but that the party who acts as the usual agent, gets some individual unknown in the borough, as was the case in Ipswich, where they sent for Mr. Pilgrim from Norwich; they usually get some person who is unknown to the general body of the town; and that leads me to another suggestion, namely, that among the class of witnesses from whom the present protection should be taken away, agents should be included. I would not allow a man to come forward and say, I am the agent, and therefore I am privileged, for all I know has been learned in a confidential character, and as such the law protects me. I would take away from him, first, the protection he has on the ground of not being required to criminate himself, and I would also prevent him from being able to refuse to answer any question affecting the sitting Member, on the ground that the information sought at his hands has come to him in his privileged capacity.

3792. Would you also deprive of his privilege as an agent, the attorney sitting by his counsel?—Certainly; and the counsel I would deprive of their privilege too.

3793. Supposing the attorney conducting the case for the sitting Member to be deprived of his privilege, would it not enable the petitioner, under pretence of investigating some case of bribery, to put questions to him that would elicit from him the whole of the case of the sitting Member, or facts material for them to know?—No; not on any points unconnected with the bribery; for you can only ask questions relevant to the matter in issue.

3794. How can you foresee what any one question may lead to?—If the result of the examination of the attorney should be the discovery of bribery, or similar practices, it appears to me that that is the great object of the inquiry, and that every possible means, short of dishonest means, should be sanctioned by law to get at a fact which is the very fact in issue. It matters not how you get it; if you get it from interested parties, and out of their own mouths convict them, so much the better.

3795. But you were asked whether, under that pretence, the party would not have an opportunity of eliciting other facts?—No; any judicial tribunal immediately prevents questions being put which are immaterial to the question at issue, and all Committees separate the question of bribery from the other parts of the case.

3796. But might not the facts be so mixed up, that you could not ask questions of that sort?—The only questions that come before a Committee are questions as to the qualification of the elected, questions as to the qualification of the electors, questions of bribery, questions of treating, and questions of intimidation. Those are all so distinct, that Committees would take each of them as a separate branch of the inquiry; and other questions would be stopped as irrelevant to the matter in issue. Besides, it would be easy to guard against any thing like that, by applying this enactment to questions of bribery and treating exclusively, and not allowing it to apply to other cases.

3797. If you allowed them to examine the counsel and attorney, would not the consequence be one which all professional men would deplore, namely, that parties would be deterred from imparting their secrets to counsel and attorneys, and would not employ them?—The probability is, that owing to the certainty of exposure and punishment, there would be no secrets, at least of a guilty nature, to impart; persons would abstain from the criminal practices. I think it is very material that the country attorney should be examined, whether he is acting as attorney before the Committee or not. The London agent is very seldom the person knowing any thing about it, except what he learns from the agent in the country, who generally gets some person down there to act as agent as regards the bribery. This person is often of an inferior station, and very frequently you do not know who that party is.

3798. You stated that you would avoid the election in case of bribery proved, whether traced home to the sitting Member or not; how will you get over the difficulty of defending the Member against bribery committed by a political opponent, *malâ fide*, with the very view of avoiding the Member's seat?—By making it a material ingredient in the consideration of the Committee to determine whether or no the return has been materially influenced by bribery, because an opponent under the false guise of a friend might be guilty of an isolated act or two of bribery with a view to take advantage of it afterwards to avoid the election; but it is absurd to suppose he would ever do it to such an extent as to influence the return materially; he

he would not give his opponent the return in the first instance, in order that he might unseat him afterwards before a Committee of the House of Commons.

3799. Would you not also make the *bonâ fides* of the supporter a material ingredient?—Unquestionably.

3800. Suppose it to be quite clear that a particular candidate has a large majority, and that the only mode of vitiating his election is by some political opponent bribing extensively, with a view, ultimately, to unseat him; can you not imagine that many such cases might occur?—I do not see with what object; if it be materially to influence the return, he would defeat himself in the first instance; and it is hardly reasonable to suppose a person would obtain a return for his opponent, for the mere purpose of unseating him afterwards, for if he should succeed in so doing, he would place the parties in the same situation as before, for unless you convict the sitting Member of bribery, though you might unseat him, you would not affect him with the incapacity of being elected again for the same place; so that the political opponent would unseat him in order that they might start again on the same footing as before.

3801. In fact, you would leave the question as to bribery having been resorted to *malâ fide* to the Committee?—Yes.

3802. If it is pretty obvious that I have got a majority of *bonâ fide* supporters, that is, of men against whom no imputation of bribery can be made, the Committee, of course, would decide that my return has not been materially influenced by bribery, even if a large number in addition had been bribed?—Precisely so.

3803. Is it your opinion that the practice of bribery has increased or diminished of late years?—My knowledge of the proceedings and practice of Committees has commenced with the Reform Act; but from the experience I have had before Committees, and from several cases which have come under my own knowledge, which have not been brought before Parliament in consequence of the anticipation of the difficulty of proof, I am convinced that whether it proceeds from the candidates or not, the practice of bribing goes on to an extent of which neither the public nor the legislature have any conception.

3804. Have any cases come under your knowledge of bribery in county elections?—No.

3805. The Committee understand that your provisions against bribery would be these: in the first place, if a Member were proved guilty of having himself bribed, or had any cognizance of acts of bribery done on his behalf, you would subject him to the penalties of bribery, and unseat him even for a single act of bribery so brought home to him, and punish him, by for ever incapacitating him from sitting in Parliament?—I would extend the incapacity from the next return to an ineligibility ever to sit in Parliament again.

3806. And with a view to prevent bribery you would go even further than that, and in cases where a Member was not proved to have had any guilty knowledge of the transaction, still if the election was proved to have been materially influenced by bribery, you would render that election void, without subjecting the Member to any personal consequences?—Exactly so.

3807. Except that of attaching him with costs?—Exactly so.

3808. With respect to the proof of agency after the proof of bribery, would you recommend it should be permitted to prove bribery first, leaving you to prove the agency afterwards?—I would not make it imperative on a party to prove agency first; but it appears to me, where the object is to unseat the Member on the ground of bribery, by himself or his immediate agent, there are two points to be proved, the agency and the bribery. The ground on which the argument in favour of proof of agency, in the first instance, has been vested, is, that by proving bribery before proving agency, you create a prejudice against the sitting Member which may operate against him when you come to consider the question of agency; that seems to me to be a conclusion which is not warranted, and which can only be founded on that which is not to be presumed, namely, the utter incompetency of the tribunal to form a correct estimate of the quantum of proof adduced.

3809. The Committee understand the rule of law to be, that the courts will not allow you to prove the acts of any person, unless you first connect him with the person accused?—I am not aware that such is the case generally, though I know, and I much regret it, that our law does in many instances throw a very undue protection round parties accused.

3810. You would apply the principle generally?—Certainly.

3811. Is not there this difference, that unless you prove agency in crime, the

 evidence

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evidence of the crime being committed is wholly irrelevant?—Unless I am wrong in supposing the law should be declared to be that bribery, though not brought home to the sitting Member, should avoid the return, it seems to me that proof of agency should not be required, unless it is sought to attach the party with penalties beyond the loss of the seat.

3812. But are you aware of the practice of the law in cases of treason; is it not the practice to prove that there was a meeting with a treasonable and seditious object, and then by proving the accused has been there, connect him with the treason?—That may be so.

3813. In such a case, if the counsel for the defendant should insist on his right, will not the court compel the prosecutor to show the defendant to have been present on that occasion?—My impression is, that that is the law, but I will not undertake to say it is; it is one of those cases that fortunately very seldom occur.

3814. But is not there a difference in this respect, that the issue to be tried in the case of treason or of felony, is the guilt of the individual; and that the issue really and ostensibly to be tried before a Committee of the House is the validity of the return?—It is exactly on that distinction that I found the doctrine I venture to lay before the Committee as law, namely, that the main question is that in which the public and the constituents are interested, not the individual who has been returned.

3815. And, according to your view of the law, primary evidence of bribery never could be irrelevant or improper, because, even if you did not bring it home to the sitting Member, still his election would be vitiated if bribery had been carried to such an extent as to influence the election?—Yes; but there is another ground on which you ought to be allowed to prove bribery before you prove agency, namely, that often the two are so mixed up together that you cannot prove the one before you prove the other. It often happens that the only proof you have is proof that an act has been done, and you then show afterwards that the party has sanctioned or ratified it; you might show that 5*l.* had been given to a man as a bribe, and you may afterwards show that the payment of that 5*l.* had been sanctioned by the sitting Member, but you could not bring it home to the sitting Member unless you prove the fact first; yet Committees will frequently say, "No, you shall not prove the act done without first proving the authority to do it."

3816. Would not the fact of a person laying out large sums of money to bribe electors, be strong *primâ facie* evidence against the sitting Member?—No doubt; but Committees constantly refuse to allow those acts to be proved without proof of agency first.

3817. You consider the public interest to be so much concerned as to require a relaxation in some degree of the modes of procedure established in courts of law?—Assuming the law is as strict as you suggest it to be.

3818. With respect to the responsibility as to agents' acts where parties are before the House of Commons?—There a distinction is already established. By the common law of the land, in order to affect a party with criminal acts done by another, you must prove strictly an authority to commit those individual acts; but by the law of Parliament, it is enough that a man is a general agent, to render the other party liable.

3819. As far as the loss of his seat?—As far as the loss of his seat.

3820. What would you do in a case where there is a direct report convicting a Member of personal bribery, as in the case of Sir Manasseh Lopez?—There I apprehend the Committee ought to require strict proof of agency.

3821. You would not relax the rules of law in such a case?—I think it would be monstrous to fix a sitting Member with penalties of that description unless the act of bribery is sanctioned by him or done by him. If you can show that, though the sitting Member was not cognizant of the act at the time it was committed, he afterwards became cognizant of it, and defends and adopts the act, it is the same thing as if he were conscious of it when it took place. The general rule of law is, that if a man adopts the act of another person, he constitutes him his agent, as much as if he had given an authority to do the act before the act was done.

3822. Suppose an election is turned by a majority of one only, and in order to effect their object a partisan has committed some other crime than that of bribery, and has gone to the extent of murder, and the Member, nevertheless, adopts that act so far as to take advantage of it by taking his seat, could you make it a general rule?—It is a general rule, according to the law of Parliament at the present moment, that a general agency is all that is necessary to affect the principal. All

Committees

Committees act upon it. No Committee has ever gone the length of saying there must be an agency proved for a specific purpose.

3823. You are understood to propose that Members should lose their seats if bribery prevailed, though there had been no agency at all?—If bribery prevails to the extent of materially affecting the return.

3824. If the sitting Members adopted their acts, by taking their seats, you think they should be responsible for those acts?—I think their seats should be vacated.

3825. You do not consider in those cases the loss of the seat as a personal consequence to the Member, but the doing justice to the public, which is equally injured if an election has been procured by bribery, by whomsoever that bribery has been committed?—Precisely; and when you go to penalties, such as incapacitating a Member from being returned in the next Parliament, or from being ever returned again, as I propose, then I say you must strictly show, not only that the return has been effected by undue and corrupt practices, but that the individual you are about to affect has been himself a party to those practices.

3826. Would you in the case of this incapacity to serve in Parliament in future, consider him a party to the bribery in the case of his adopting the consequences of the bribery afterwards, by defending the seat?—I should be inclined to say I should; I think it can hardly ever be proved that he was conscious of bribery to the extent that it may have been committed.

3827. Does it not occur to you, admitting to the fullest extent the interest the public have in the matter, that there would be danger in relaxing the proof with regard to that offence, on the ground that these charges generally arise out of the excitement of the election when they are lightly made?—That is assuming that though lightly made they may be lightly proved; unless the proof be cogent and convincing, the fact of the charge being made will not lead to a conviction. I do not think you do relax the means of proof, if you take a correct view of what is really the issue.

3828. You propose to alter the issue?—I do; I say the true issue is not only the guilt or innocence of the sitting Member but the validity of the return, which validity, I say, is affected by any undue practices, by means of which it is obtained.

3829. Then perhaps this difficulty would be obviated if you took away from the Committee the power to affect him criminally?—The return would or ought to be affected by any undue practices, by means of which it has been obtained. But the Committee ought to require the proof to be carried further, if the sitting Member is sought to be visited with penal consequences; for in that case it ought to be shown that corrupt practices have been carried on by him, or by others with his authority. As regards the first issue, it appears to me not necessary to prove the agency, but as regards the second, it ought most strictly to be proved. The great defect is, that the majority of Committees seem to think it necessary to fix the sitting Member with the guilt, in order to fix him with the penalty; they seem to consider it a personal matter in which the sitting Member is more immediately concerned than the public, whereas the country and Parliament, and the honest part of the constituency are, in my opinion, more concerned than the individual.

3830. Now as to the priority of the proof of agency, the rule would be as it is now, that you must prove the agency first?—I am not sure that that would be necessary; I do not think it would; when you have two things to prove, an act done, and the party by whom it is done, I see no reason why you should not prove the act done first. In the case of murder, you may first prove the finding of the body, and then you may call a surgeon to show that the death was occasioned by violence; after this, you may show who committed the act of violence; no one would ever dream of insisting on the necessity of showing first, that the party accused committed the act of violence, and then that death ensued as the consequence of that violence; and if you may first prove the act done in a case of that serious consequence, I can see no reason why you should not prove an act of bribery first, and the authority by which it was committed afterwards.

3831. Supposing a man to be charged with forgery, it would be competent to you, first, to prove that a forgery had been committed, and then prove that A. B. was the person who had committed that forgery?—In such a case there would be nothing to prevent me from putting the forged note into a person's hand, and asking him whether it was a forgery, and then calling witnesses to prove that the forgery was committed by the prisoner.

Jovis, 18° *die Junii*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *James Lunn*, called in; and further Examined.

Mr. *James Lunn*.

18 June 1835.

3832. THE Committee understand you wish to add something to your evidence?—Yes; one or two things.

3833. State what they are?—I named that there was a considerable quantity of land of —— ———'s, in the township of Ripon, that there was a quantity of that land; there is a large cow pasture, which has been divided, and contains about 54 acres; it has been divided into 42 allotments, making about an acre and a quarter each, which, according to the valuation, is about 4*l.* 7*s.*; many of those small plots of ground are added to small cottages, to give votes, and if they are not sufficient, there is another small piece of garden ground given upon some common land which has been lately enclosed. None of those 42 allotments are separated by any fence, they are merely staked out and numbered according to the plan which is drawn up.

3834. Are they still subject to common rights?—This is not a common, and never was a common; it was a large pasture; it was let; it is land belonging to —— ———, formerly let as cow pasture in the summer season.

3835. Each party cannot enjoy his acre and a quarter separately?—No; it can only be used, according to agreement with those tenants, for turning on cows and sheep, it cannot be used in any other way.

3836. Is there any other point you wished to mention?—One of the gentlemen of the Committee wished to know the names of some of the 15 I named yesterday who gave their votes in right of the cow-house and land; I think I have made them all out, or nearly so. The first is —— ———; he is a farmer.

3837. What extent of land does he hold; is he a respectable person?—Yes; he is a respectable man.

3838. Does he hold a large farm?—Yes, he does hold a large farm. On that land there has been built a cow-house, and that gave a right of voting; he is not resident in the township, but he lives within the boundaries of the borough. The next is —— ———.

3838.* Put in the list.—[*The Witness read the names therein contained.*]

3839. Have there not in some of the parishes been land allotments made of some small portions of land to the cottages lately?—There have been; this 54 acre field, called Red Bank, is one of that kind; this field has been divided.

3840. But in places where there is no connexion with any borough, you say this has been done for election purposes; has that practice prevailed in that part of your county, of allotting portions to cottagers, to assist?—Not that I know of. It is an acre and a quarter field; it is attached to cottages.

3841. It is attached indiscriminately to the cottages that would give votes, and to the cottages that do not give votes?—In some cases it is given to houses that would give votes without this piece of land, and in some it is given to houses, the house, together with the land, making a qualification of 10*l.*

3842. Still it has not been given in every case where it has been necessary to make a voter?—No.

3843. So that houses of —— ———, which would have given votes without those pieces of ground, have those pieces of field attached to them?—Yes, some of them have.

Alexander Edmund Cockburn, Esq., called in; and further Examined.

A. E. Cockburn, Esq.

3844. CAN you suggest any remedy for the difficulty which has been stated to the Committee, which stands in the way of any enactment rendering the persons liable for the distribution of charitable patronage, which does not at the same time render bodies corporate liable?—It appears to me the abuse of charitable patronage may be materially checked by reverting to the old law, the view of which has been changed within these last 50 years, the old law appearing to be far the sounder, and calculated to meet the mischief now under consideration. By the old law of Parliament all alms were considered as disqualifying a voter, as they were calculated to

to deprive him of that degree of independence which the constitutional view of the law of Parliament always considered as essential to the exercise of the elective franchise. In later times a new doctrine has sprung up, and has been adopted by Committees, namely, not to consider alms as disqualifying unless they are alms which go in aid of the parochial funds. That is the principle invariably adopted; they say, unless such alms go in aid of the parochial funds, and are so distributed in the way of parochial relief, they do not disqualify. I apply my answer to charities. I find that in the corporation of Northampton, which I visited as a corporation commissioner, they distributed 17 loans annually of 100*l.* for nine years, free of interest; and since 1826 they have never given a single loan to a single individual who was not one of the supporters of the corporation party. It is left as alms; it is a charitable bequest of Sir Thomas White. Exhibitions to universities must be excepted. As regards other charities, and the present mode of distribution, I am quite sure the result is to deprive the voter of that degree of independence he ought to have before he exercises his franchise. It is to induce the parties to vote on behalf of those persons who would give the corporation its support.

3845. Supposing disqualification from sitting in Parliament to be made a part of the penalty for bribery, how would the Grenville Act, as it stands at present, affect such a provision?—A Committee would not determine a sitting Member guilty of bribery, merely on the judgment of a court of law to that effect being given in evidence, but they would require proof to be given before them of all the facts. I was about to state that bribery affects the return by common law; the Grenville Act has stated that all matters affecting the return shall be referred to the tribunal it establishes. You can only try a question of bribery, as affecting the return, before a Committee under the Grenville Act. If therefore you have a Committee to determine the question of bribery, and they determine that bribery has not been committed, or if the time elapses within which the petition should have been preferred, and the Committee appointed; if either of those two circumstances should arise, and then afterwards the party should be prosecuted before a court of law, and the court should declare him guilty of the offence (and thereby the provision suggested by the question would come into operation), it is quite clear there would be no means of turning him out of Parliament. You could not come before a Committee of the Grenville Act, the time would have gone by; you could not in any way give the Committee jurisdiction over such a case.

Veneris, 19° *die Junii*, 1835.

CHARLES BULLER, ESQUIRE, IN THE CHAIR.

Mr. *James Skerratt*, called in; and Examined.

3846. YOU are a solicitor in Cheshire, are you not?—I am.

3847. At what place?—At Sandbach.

3848. Have you had any experience in elections?—I have.

3849. In what elections?—In the elections for the county of Cheshire.

3850. In any other?—No.

3851. For both divisions of the county of Cheshire?—Before the county was divided, I had for the county generally; since it was divided, only for the southern division.

3852. Have there been any contests in that county since your experience commenced?—There has never been any contest that has come to polling since the year 1736 till the year 1832.

3853. Were there ever preparations for a contest before or since?—Many.

3854. Many before?—Yes.

3855. Has there been one since?—Yes.

3856. Were you on the very eve of a contest on the last general election?—Yes.

3857. Do you think the system of elections has been rendered quite perfect by the Reform Act?—It has been very much improved, but not rendered perfect, I think.

3858. Do you think that undue influences still prevail?—I think to a great extent.

3859. Have you experienced much bribery in the county?—No, very little.

 3860. Have

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3860. Have you become acquainted with any?—Merely some instances; there have been two or three instances of about a sovereign at a time given to poor freeholders—what they call the 40 *s.* freeholder, that has been in poor circumstances; I believe about three instances have taken place.

3861. Within your own knowledge?—Not exactly within my own knowledge, but from hearsay.

3862. Have you reason to believe that your information is correct?—One man told me that he was taken into a field and had six sovereigns offered him if he would vote for the Tory candidate, but he refused to take them.

3863. But bribery has not been carried to such an extent in the county elections as materially to influence the election in your opinion?—Not at all.

3864. Has there been much treating?—Not previous to the election; but after this last election was over, the Tory party gave every one that had promised a vote a 3 *s.* treat.

3865. Has there been much intimidation in order to influence the elections, in your experience?—I believe there has.

3866. What is the worst and most injurious form in which that intimidation has been practised?—The worst is in our division of the county, the influence possessed by the county magistrates.

3867. Do you think that the authority of the magistrates has been used with a view unduly to influence the election?—I have no doubt of it.

3868. Can you give any instances without mentioning names?—I think I can; I can state one instance where a magistrate of the county met with a voter that had voted for the Reform side before, and asked him to give him his vote, and he told him that he could not, he should wish to vote for the other party; then he said, "I will take it in spite of you; what have you to say to that?" or words to that effect.

3869. Did any thing follow in consequence?—The man, if it had gone to a polling, though he had promised his vote to one candidate, would not have given it.

3870. You understood this from him?—I have written down to Cheshire since I have been in London; I had heard of the circumstance before, and believed it to be perfectly true; and I had an answer bringing it as near home as I think it could be.

3871. What was the reason that induced the voter to make this change in consequence of this threat; what power would this gentleman have had of enforcing this threat?—The man is a carpenter, and he worked for the agent of this gentleman, who is a joiner and builder; and he considered if he did not vote as this gentleman told him, he should be turned out of the employ of his master.

3872. What influence did the magistrate possess over his master?—His master was land agent and surveyor to the magistrate.

3873. Then the influence exerted had nothing to do with the magisterial power which the gentleman used?—That single act has nothing at all to do with the magisterial influence, but that individual is in the commission of the peace.

3874. You have mentioned it on this occasion because you think it improper that persons in the office of magistrate should exercise that kind of intimidation, even where it is owing to their property and not to their office?—I think he ought not; it is improper.

3875. Do the magistrates in the interest of the Reform candidates exercise any influence of that kind?—I have never heard of an instance.

3876. Have you in any instance known a magistrate use his influence as a magistrate, that influence which he derived from the authority vested in him as a magistrate, to influence persons who came under his influence in that capacity?—Yes.

3877. In what instances?—I know an instance of an overseer of the poor of a township; he went to a magistrate to get his assessment signed, to allow him a rate; the magistrate knew that the man was going to do whatever he could for the Reform candidate, and he refused to sign the assessment, and would not state any reason why he did refuse, but did refuse to do it.

3878. Have you any reason to suspect that that was on account of the overseer's politics?—Every reason to suspect it, for he sent for the overseer a few days after and did sign it.

3879. Had the man changed his politics in the interim?—He had not, but it was noised about the country that the magistrate had refused to sign an assessment for the relief of the poor because the overseer was employing himself to get votes, and canvassing

canvassing for the Reform candidate, and we considered that that was the reason why he signed the assessment. Mr. *James Skerrat* 19 June 1835.

3880. You suppose that it was in consequence of the publicity thus given to the transaction that the magistrate altered his conduct?—Yes.

3881. How many magistrates are there in that division?—Generally three.

3882. This application was not made at the petty sessions, but at his private house?—I am not aware; the general way is to go to two of the magistrates, if they want an assessment signed, and there should not be a petty session at the time.

3883. How often are there petty sessions held?—Once a fortnight; I think they are as often signed by the magistrates at their own houses as at petty sessions; and I think we have never a case of any difficulty which requires to be brought before the petty sessions.

3884. Have you any reason to suppose that the magistrate refused to sign the rate at the time, on account of any thing suspicious in the rate, which induced him to require the assistance of his brother magistrates?—I am certain he had no occasion whatever of that sort, and that was not his motive.

3885. Was the rate signed afterwards in his own house or at petty sessions?—At his clerk's office.

3886. Without the assistance of his brother magistrates?—Yes; I have the statement of the overseer.

3887. Was the preamble to the signature written by his clerk?—I think the whole of the assessments are filled up by the magistrate's clerk.

3888. Had that been written by the magistrate's clerk?—We have no assessments but what the preamble is filled up by the magistrate's clerk, for they will not allow the magistrate to sign any assessment without it.

3889. Had it in the first instance been so drawn up by the magistrate's clerk?—I cannot speak with certainty, but I believe it had.

3890. Do you believe that written statement of the overseers to be correct?—Yes.

3891. Do you believe that he is correct when he says that the magistrate refused to sign the assessment for the relief of the poor of the said township of Sandbach, without assigning any reason for his so doing?—I do.

3892. But he verily believes that the reason for his so doing was because the overseer was not a Tory, and why he is able to state such his belief is, that at the time the magistrate refused to sign the assessment, party spirit was running very high in the town and neighbourhood; but some short time afterwards, when things had become more reconciled, the magistrate met him, and said that if he would bring his assessment up to the office of his clerk, he would sign it, which he accordingly did; and consequently, the very same assessment which that magistrate had previously refused to sign as before stated, was then signed by him and another; do you believe that statement to be correct?—I do.

3893. Was it drawn up by the man himself, or under his inspection?—It is drawn from the man's own words by a clerk of mine.

3894. Was there any other proof of the dislike of the magistrates shown to this man?—Yes.

3895. In his capacity as a tradesman?—Yes.

3896. What is his trade?—His trade is a printer and stationer.

3897. What was that proof of dislike?—He had printed the whole of the precepts, warrants and summonses that the magistrates used for several years previous to the election in 1832; he was called upon soon after that time to deliver in his account for printing by the magistrate's clerk; but after he had delivered it in, the printing was removed from him: no reason was assigned whatever, and he has never printed for them since.

3898. Had any fault been found with him for his mode of conducting the business?—None.

3899. Do you know whether that was done by the magistrate's orders?—I can not state that.

3900. Do the magistrates pay for those articles?—The clerk pays for them.

3901. Have the magistrates any thing to do with the payment of them, or the ordering of them?—They may have to do with the ordering, but not the payment.

3902. Have they any thing to do with the ordering?—I do not know; but they may direct the clerk, I should suppose.

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3903. Do you believe the clerk would have done it without the wish of the magistrates being expressed?—I believe not.

3904. Did you ever know an instance where a magistrate interfered in regard to the supply or the pay of those articles?—I do not.

3905. Do you know an instance where he was cognizant of it?—It is impossible I could be aware of it.

3906. Was this the assistant overseer or the principal overseer?—He has acted in both capacities.

3907. Is he appointed by the vestry?—At the time he was acting, then he was a hired overseer to the overseer that was appointed; he had no salary from the parish; we appoint our officers, and if those officers do not choose to act themselves, they pay others for acting.

3908. He was paid by the overseer?—Yes.

3909. In what respect would the giving or withholding of his signature to that assessment enable the magistrate to exercise any influence over him in regard to the election?—It might intimidate him so that he might decline taking any part whatever in elections, because it might detain him in doing any business with the magistrates.

3910. What injury would be done to the man?—It would retard him from going on with his business.

3911. Was there any other magistrate to whom he might apply?—There were three acting, but all acting in the same way; and one is father and son, and the other was acting along with them, and they did nothing but with the cognizance of each other.

3912. Was this the nearest magistrate?—Yes.

3913. The one to whom he habitually applied to sign the rate?—Yes.

3914. Do you suppose that, if, after the refusal of that magistrate, he had taken the rate to another, he would not have refused?—If he had known that the one had refused, the other would have refused to sign it, I should think.

3915. Do you not think that he would have asked him, why do not you take it to the nearest magistrate?—Yes.

3916. Do not you think that the second magistrate would be quite right in refusing?—I think he would when the first had refused.

3917. Did any of the magistrates reside in the township of Sandbach?—Yes.

3918. Are there properties assessed for the poor?—Yes, they are.

3919. Then he has as much interest in the rates being duly collected as any other inhabitants?—According to the amount of the property for which he was assessed he had an interest.

3920. What is the man's interest in having rates collected, part of which he has to pay?—The chief interest he can have is to have them well collected up, so that he shall have the burden of the whole rate kept at as low a scale as he can.

3921. Does he compromise that by not signing the assessment?—The poor must have their pay paid to them every week, and by a magistrate refusing to sign a rate, he places the overseer in a very awkward state.

3922. But the injury to the overseer is greater than to the magistrate himself?—It is because he is bound to provide money for the poor.

3923. Overseers are generally men that have business of their own; this man was a printer?—Yes.

3924. It could not, therefore, be very convenient to him in the course of his trade to go to the magistrate to wait upon him to have the rate signed?—Very inconvenient.

3925. Is it the general impression in your part of the country, that magistrates exercise a great influence over the overseers of the poor?—Many people think they do. I have another instance I can name of the present overseer of the poor, who is acting in his own capacity, not as a hired servant. There has been within these two or three months, I have not the date with me, a declaration of confidence passed throughout the country which was agreed to at a meeting held at the Royal Hotel in Chester, expressing their confidence in Lord Melbourne and the present administration, and the overseer of Sandbach, who is a Reformer, and has been for some time, refused to sign that declaration, and the reason which he assigned was, that if he did do it, he should never be able to get any business done by the magistrates.

3926. Is he an independent man in other respects in circumstances?—He is, so much so, that I handed him a copy of the declaration and he took it into an adjoining

adjoining parish, and got it signed by many individuals there, when he would not interfere in it in his own town.

3927. Had he ever, before he became an overseer, exhibited a similar dread of the consequences of showing his political opinions?—Never; there was not a man more bold in his political disposition than he was.

3928. Should you not, from your own professional experience, say, that it is an extremely convenient and agreeable thing for an overseer to be on good terms with the magistrates?—It is a very convenient thing, for the benefit of the town for which they act, to be on good terms with them.

3929. Do not you think that the dread of incurring the displeasure of the magistrate would be a very strong motive with the overseer?—It would; I know it myself in my professional capacity: if I had a case to go before the magistrates of any description, knowing that I support the liberal interest, I should not have a chance of getting any thing done in the same way that a supporter of their cause would. I do not go before the magistrates in petty sessions often, neither do I wish to do so.

3930. You do not mean that you think the magistrates would actually come to an unjust decision with respect to your clients?—No, I think they would not; but they would not enter into the case with the same feeling with me as they would with one of their supporters.

3931. Have you been in the habit of frequently attending petty sessions?—Yes.

3932. Are you well acquainted with the mode of doing business there?—I have seen a great deal of business done there.

3933. Do the magistrates know beforehand what cases are to come before them?—I should think they do; they have commonly granted the summonses previously.

3934. Do they know in what order they are to come on?—No, they take them alphabetically by townships when there is a very full meeting.

3935. Then there can be no preference?—Yes, there can be very great preference, because if a person is known to be a Reformer, and he has a case, and he brings it forward, he must give it to the clerk in the first place, and the clerk may lay it on one side.

3936. Have you ever known an instance of that kind occur?—I have heard of cases where the case of such a person has been put off to the very last.

3937. Have you ever known an instance where a person, because he was a Reformer, was thrown out of his alphabetical order?—The alphabetical order is as to townships, not individuals.

3938. Have you known them?—Not of my own knowledge.

3939. Are the overseers employed by the magistrates to canvass in any instance?—I believe they are, and churchwardens as well have been directed by them; I canvassed one township myself in 1832, previous to the general election, where I believe the number of voters was 17; I got 15 promises for Lord Grosvenor and Mr. Wilbraham; when they came to poll, only one out of the 15 polled for those candidates; I met with a farmer that I was very well acquainted with, who was one of those voters, and asked him the reason for their turning round; he said, if we did not do so, we should not be able to get any business done before the magistrates.

3940. Was he an overseer?—He was not, he was a farmer of a very decent independent property; and in any other instance except that, he would not have swerved from giving his vote for any man; but he was told by some person that the magistrate said, that he must give his vote for another person; it came through three or four hands from the magistrates, but ultimately it had the effect of intimidation upon them; you cannot bring it home to the magistrates any further than surmise.

3941. Is it your belief, that it is the general impression in your part of the country, that the magistrates have exercised their magisterial authority with a view to influencing elections?—That is the general impression.

3942. Do you believe that that state of feeling interferes with political independence, and with a general belief of the purity of the administration of justice?—To a very great extent; they go about canvassing personally, and they are not satisfied with getting two or three answers of no, but they come again.

3943. Who do you mean by they?—The magistrates; I speak from personal experience.

3944. Do the people know who are magistrates?—They do; I can give

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one instance of a magistrate who went into a township to one voter, and asked him for his vote; the voter told him that he could not give it, for that I had not been round, and he should give it to me; the magistrate said, "Would you give it to a country attorney, rather than to a magistrate and gentleman?" and he said he would; the magistrate asked him his reason; he said because I had always behaved well to him.

3945. Have not magistrates particular opportunity of influencing publicans?—Very great indeed, that is the impression upon the publicans' minds, that if they do not vote the same way with the magistrates, they may do them an injury. In 1832 the whole of the publicans that had votes in Sandbach, except three, voted for the Reform candidates. In the election that was thought would have taken place in 1835, there were but four that gave their promises on the Reform side, the others promised the other way, or to divide.

3946. Do you think those applications by the magistrates for votes are connected with expressions indicative of intimidation?—No; I think they are careful in that respect.

3947. How many of those publicans who voted in 1832 for the Reform candidate were deprived of their licenses by the magistrates?—None.

3948. Still you think, that this remarkable change in that particular class of men must have been connected with their impression as to the wishes of the magistrates, and the probable consequences of their offending them?—I have no doubt about it.

3949. Have you any thing more to state upon the subject of the interference of the magistrates?—I know an instance where a magistrate met with an overseer of the poor and a publican, and he asked them if they would go round a certain district to try if they could get some votes for the Tory candidate, and he put his hand into his pocket and pulled out a sovereign, and gave it to the publican, and told him to give five shillings out of that to the overseer, and the rest he might spend at his own house among the friends that came, either that night or some other time; as soon as the magistrate left them, the publican asked the overseer to take a druggist with him; they went to the next beer shop, and spent part of the money, and then went to the publican's house and spent the rest, and never asked for a vote; and they next morning discussed what answer they should give to the magistrate; and when they met the magistrate they said, "It is all right, we did it;" that is a fact that I can substantiate, for I had it from both the publican and the overseer.

3950. Not being present at either of the conversations?—None, when the magistrate was there.

3951. Do the landlords exercise a great influence in the county of Cheshire over their tenants?—Yes, and bring them up to vote just like soldiers well drilled, headed by one of their principal tenants, and perhaps the agent with them.

3952. Do the tenants always vote with their landlords?—I scarcely know an instance where the tenants of a person favourable to one of the Tory candidates have voted against his landlord.

3953. Do they keep their eye upon them as they go up to the poll?—They march them up, and in some instances the landlord at the head of them; I know an instance of one landlord bringing up his tenants, and he went to stand at the end of the polling-booth to see that they all went in, and I looked them over and saw one amongst them that did not appear to be very clever in his intellect; and I had a friend with me; I told him as soon as I should have an opportunity, I would ask him to follow that man, and as he was going along to repeat to himself the words "Grosvenor and Wilbraham." I put my shoulder to the gentleman that was observing the man, and my friend walked after him and repeated "Grosvenor and Wilbraham." When the man came up to the poll, after asking him his name, and the usual questions for whom he would vote, he said, "Grosvenor and Wilbraham." When he went down, the landlord gave him a violent oath; "D——n your blood, I will give you notice to quit," or words to that effect, and he turned round to his principal tenant, and said, "Why the d——l did you not drill him?" he said, "I drilled him all up the street;" and the landlord told the voter after that he should not have his dinner, and I believe he had not.

3954. Do you think this voter could discriminate between the political opinions of the two parties well?—I should almost think the man could; he ought to be able to do it.

3955. Do you know any other instances of influence by landlords exercised in a remarkable

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a remarkable way?—I know a strange instance, but I do not know that that is by a landlord, of some young gentleman writing anonymous notes in the name of another person, to the tenants of some gentleman, and when the parties went to meet the agent of that gentleman, he denied ever having written the notes or authorized any person to write them. The facts were, a young gentleman in the commission of the peace, and the son of a magistrate, wrote a quantity of notes without putting any name to them, in the name of an agent of a nobleman in Cheshire, instructing them to go to meet him at Nantwich, a distance of 10 miles; one man did go to Nantwich, and when he came there, and waited upon the agent, the agent told him that he had never sent for him, and had never written the note, but that he might go his way home again, and vote as he thought proper; and the party since that has avowed being the writer of that note, and has told several of those tenants that if they have been at any expense he would pay them; and in one instance the magistrate's clerk has settled with one of them for 6 *s.* or 7 *s.*; but instead of paying the amount in money, told him that he had a bill against him for making out convictions. In another instance the man was not at home, but the wife wrote a note to the agent, and she received an answer back from the agent, stating that he was very sorry she had had the trouble, and that her husband need not come, that he had never sent for him, and never authorized those notes, and there must be some mistake. The agent is a gentleman residing in London, but happened to be in Nantwich at that time, and this is the note that was written, that such an one would be glad to speak to the tenant at Nantwich, at two o'clock to-day; dated on the 9th of December, Tuesday; and he sends an answer to it, stating that he never had written the note.

3956. What could be the object of writing these notes, for they could produce no effect?—Very great effect; for previous to that it was considered that the landlord followed the same principles as his ancestors, and that his son does; and I had been directed several times to canvass his tenants, and throughout the whole of this tenancy I think I never got a denial in 1832, and they are to an immense extent, extending over several parishes and townships; this time the writing of this kind of notes led them to think that their landlord's agent was a complete Tory, and many of them durst not vote at all, and if they did, they wanted to have the leave of the landlord first; the other agent in the county is in the Whig interest, and therefore he says to the other, I think you had better not interfere, for I shall not, and let them exercise their own judgment; this gentleman knowing that was the arrangement between the two agents, those notes were written to lead them into a belief that it was the wish of their landlord to vote for certain candidates, and many believed so, and would have voted so.

3957. It was known that the London agent was going to return to town immediately?—It was.

3958. Might it not have been judged probable that the tenants would, from being out of the way of Nantwich, and from other circumstances, not call upon him, but receive his request as an intimation that they should vote in a certain way?—Every one that did not go to Nantwich thought that those notes came from their landlord, and many did vote in that way.

3959. It was a trick?—Yes, it was; it was a trick that could not have been overturned, for the landlord is considered a good landlord, perhaps none better, and therefore the tenants would vote in the way which they thought was his wish.

3960. Have the tenants in that county any strong political feeling?—Many of them have since the Reform Act; I think many of them have turned legislators.

3961. With regard to the man who was not very clever in his intellect, you say that he voted for Grosvenor and Wilbraham in consequence of being taught to repeat those words by rote?—No, I do not say so; I do not say in consequence of what, but he did vote for them; and this friend of mine had repeated those words as he walked after him; perhaps he had caught those words, and could not get the impression from his mind.

3962. Is it not your belief that the man did not know for whom he was to poll, but that he was to poll for the candidates that the other tenants polled for?—Yes.

3963. Was not it your intention in directing this person to follow him, and repeat Grosvenor and Wilbraham, that those names being suggested to him, he not knowing whom he was to vote for, would vote for those whose names he heard?—That was my intention.

3964. Then he voted in consequence of the influence, by the repetition of those words,

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words, over his mind?—No; I think not by any influence; he heard those words, not knowing where they came from, and he voted.

3965. Then he voted in consequence of some influence exercised over his power of speech?—I cannot say what was his inducement to vote, but he did vote for Grosvenor and Wilbraham.

3966. Then you think influence is justifiable when used on the Reform side?—No, I do not; but I do not think that any influence was used.

3967. Your impression is, that the man came up to vote for the person whom the landlord wished him to vote for, and whom the rest of the tenants were going to vote for?—I have no doubt of it.

3968. You judged him to be such a stupid fellow that he did not recollect the names of the persons whom he was to vote for?—Yes; that he might forget them.

3969. You thought that if your friend went behind him in such a position that he took him for one of his fellow tenants, his suggesting those names would induce him to vote for those persons?—I have no doubt of it.

3970. You do not suppose that your friend whom you put behind him exercised any influence, by means of intimidation, or was seen by him?—I do not believe that he knew what he was put there for; but I told him to go and repeat the words Grosvenor and Wilbraham as he went along.

3971. This is the influence of a strong mind over a weak one?—It can hardly be called that, for he could not tell what it was for.

3972. It could not be considered a spontaneous vote?—It was a spontaneous vote.

3973. Do not you suppose that he mistook the word of command?—No doubt of it.

3974. So that in fact it was Tory influence operating exactly to defeat its own purposes?—To be sure it was.

3975. Do you think that Lord Chandos's 50*l.* clause has done good to the independence of Cheshire or not?—I think it has nearly destroyed it, as far as regards the 50*l.* tenants, who have no lease; they are completely under the power of the landlord, and must vote according to his direction. I know that there is a vast number of tenantry who would always vote for the Reform candidate if they had a good lease for 14 or 21 years, and were free from the trammels of the 50*l.* clause.

3976. Supposing that no means could be found to secure freedom to those tenants in voting, do not you think that it would be better that a 50*l.* rack-renter should have no vote at all?—If there can be no means adopted by the legislature by which they can give their vote free and unbiassed for any party, it would be better for the country at large that they should have no vote.

3977. Do the Whig landlords in Cheshire interfere with their tenants?—They do not in that kind of way; I know several instances of it; there is an instance or two in my own neighbourhood, where they will not ask the tenants for their votes, and will not allow an agent to do so, and where they have given permission to another party to ask them.

3978. Is it usual, before a party canvasses the tenants, to ask the landlord's permission to do so?—Yes; and I never knew a Tory give that permission.

3979. Do not you think that the tenants of those Whig landlords know how the landlords will vote?—I should almost suspect that they cannot keep that from them, though I know one instance where a landlord was asked by his tenant which way he should give his vote, and he said, I will neither tell you nor any one else; it is time enough to know at the poll; you may vote as you please; or words to that effect.

3980. Do the tenants of Whig landlords generally vote on the same side with their landlords?—I think they do in a general way.

3981. Are the Whig landlords better landlords generally than the Tory landlords?—I do not think they are.

3982. But the Tory landlords are as good landlords as the Whigs?—I should think they are, taking them in a general way.

3983. You have said the Marquis of Chandos's 50*l.* clause has nearly destroyed the independence of the constituency of Cheshire, has a less proportion of liberal Members been returned since the passing of that clause?—That clause was part of the Reform Bill, therefore at the election in 1832, a greater portion of liberal Members were returned at that time than before; we have more independence since the

the passing of the Reform Bill, but that is not referring particularly to the Marquis of Chandos's clause.

3984. Do not you mean that that clause is inconsistent with independence as far as it goes?—Yes, I think it is; the Reformers would have a great many more friends if it was not for that clause, if the tenants had either leases for 14 or 21 years, or those that had not had no vote.

3985. But the independence of the county of Cheshire has increased since the passing of the Reform Bill, of which that clause formed a part?—Yes, notwithstanding that clause; but I do not wish to take that one isolated clause, because I think there would be more independence without that clause.

3986. But the Reform Bill has, notwithstanding, increased the independence in the county?—It has.

3987. The Reform Bill added a great number of independent voters?—It did.

3988. Have you many copyholders in Cheshire?—Very few; I do not think that there is much copyhold in the southern division, if there is, it is quite up to the outside, near to Combermere.

3989. Have you known any intimidation practised by means of exclusive dealing?—I have.

3990. Is it the practice in Cheshire for the gentlemen of either party to withdraw their custom from tradesmen on account of their votes?—I have known three instances.

3991. State the instances?—One is the instance of a gentleman withdrawing his business from a saddler whom he had employed for many years before, and immediately after the election in 1832 he withdrew his business from him; another is an instance of the same gentleman withdrawing his business from a tailor at the same time; and another is of a different gentleman withdrawing his business from a druggist at the same time.

3992. What makes you suppose that in either of those instances the cause of the change was not in the ordinary course of business, but on account of the man's voting in a particular way?—The tailor had a vote, but he had not registered properly, and they knew that he intended to give his vote for the Reform candidates; the saddler had been very active canvassing for the Reform candidates; the third, the druggist, had no vote whatever, but I engaged his parlour which lay very near the polling booths, to give out the refreshment tickets to persons that voted for the Reform candidates.

3993. Was any thing said by those gentlemen when they withdrew their custom?—They never gave any reason, they had not found fault with their work or with their bills.

3994. The general impression in the neighbourhood is, that their custom was withdrawn on account of the political conduct of those tradesmen?—Yes.

3995. Is Sandbach a populous place?—It contains about 5,000 inhabitants.

3996. Are there any instances of any parties suffering in their business, such as keepers of beer-shops and hucksters, from their having given their votes to the Tory candidates?—At the election that took place in 1832, and we have had no contested election since, there were so few that gave their votes for the Tory candidates in the town where I reside, that no harm could take place; most of them that did vote so, were under some particular influence.

3997. If they had given their votes for the Tory candidates, do you believe that the lower class would have withdrawn their custom from the publican, for instance?—I do not think they would, for I think the lower class have that kind of favour for good ale, that where they brew the best they will buy it.

3998. Hucksters?—We have none; every man has his garden, whether he be a tailor, or whatever he may be, he has garden stuff to sell.

3999. Is Sandbach a polling place?—It is.

4000. Was any molestation offered to those who came in the interests of the Tory candidate?—None whatever; there were special constables brought in; there was one gentleman going from the polling-booth, and not very popular at that time; there were a few of the rabble began to hiss at him, and I asked if they were going to insult him, and they stopped directly, and I said if they were, I intended to protect him as far as I could.

4001. But you think there was an attempt at intimidation on the other side by means of the special constables?—They got the canal surveyor to bring up about 50 navigators from the canal; what the purpose was I do not know; and, I heard, swore them in as special constables; and the person that came to attend the deputy

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sheriff refused to have their assistance in any way whatever; he said he did not want any assistance, he would take 12 men out of the town, and he would select indiscriminately, and those were all that he would have; and he told me that he would allow me to appoint eight, and the other person engaged for the Tory candidate might appoint four.

4002. Why were you to appoint twice as many as the Tory candidate's agent?—Because I represented two candidates, Earl Grosvenor and Mr. Wilbraham, and there was but one Tory candidate.

4003. Do you think that those navigators and others are a proper class of men to swear in as special constables?—No, they were not; and they engaged several of the greatest blackguards in Sandbach as well.

4004. They were people of no substance and property at all?—They have a good deal of property of a bad description, such as cock fighters.

4005. They were the lowest class of people?—Yes, the lowest class they could select; great big men that were always fighting when they could get any body to fight with.

4006. Men that would be ready to break heads for beer?—Yes; the three men came to me, and said, "Master, you will not take any notice, we have 5*s.* a day, and plenty of beer;" I told them it mattered nothing what they were employed to do; if they did not behave peaceably, I would make them.

4007. How would you make them?—I could make them in many ways; by calling in the town's constable, and giving them in charge; and if they had got to the rough way, I could make them behave well by my own force, and they knew it.

4008. By whose orders were those special constables called in?—By order of the magistrates' clerk, and sworn in by the magistrates.

4009. The same magistrates whose administration of justice gives such general satisfaction?—Yes.

4010. What other polling places are there in the southern division of Cheshire?—Four; Northwich, Nantwich, Chester and Birkenhead.

4011. Have you any further information to give?—I do not think that I have.

Lunæ, 22° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Monsieur *Alexis de Tocqueville*, Examined, by the interpretation of a Member of the House.

Monsieur *A. de Tocqueville.*

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4012. ARE you acquainted with the provisions of the laws and ordinances of France relating to the mode of taking votes at elections?—The first law which it is necessary to notice is that of February 1817; that law of 1817 has no particular reference to secret voting, it states that the vote shall be given in writing, but the law provides no guarantee for the secresy of the vote. I think that the first enactment relative to secret voting is to be found in the law of 29 June 1820. That law says, in express and positive terms, that the vote is to be secret, and provides, so far as I recollect, that the elector himself, after having written his vote, or having caused it to be written by an elector chosen by himself, shall deliver to the president the paper folded; and the same law declares that immediately after the examination of those papers they shall be burnt in presence of the electors.

4013. Will you describe the mode in which, under this law, the vote is deposited in the urn?—In the first place, our law requires that nobody shall be admitted into the Electoral College but the electors. In the Electoral College, according to the law to which I have referred, there was a table at which the president and the different members forming the bureau are seated; and I think this is the proper place to inform the Committee who are the individuals whom I call the president and the members of the bureau. According to the law of 1820, the president was nominated by the King; the members of the bureau, who consisted, according to my belief, of three scrutineers and a secretary, were nominated by the electoral body itself. The functions of the president, as the name implies, were to direct the operations of the electoral body, and at the same time to direct the police of the Electoral College. Thus the law declares that without the authority of the president, no armed body can remain stationary in the neighbourhood of the Electoral College,

College, and of course not introduce itself into it, and for a long time past, I believe there is not a single example of a president having authorized the approach of an armed body near any Electoral College.

4014. Do you mean to say, that troops are sent out of the town in which the college is altogether?—No.

4015. You only mean to say, that they must not be within the precincts of the Electoral College?—Yes, in the neighbourhood of the Electoral College, for example, no body of troops could be collected round the building of the Electoral College. With respect to the scrutineers and the secretary, their functions, according to my belief, consist in counting the number of the voters and the number of the votes, and in general to take care that the laws respecting elections are executed. When any doubtful question arises, the president in general has not the power of determining without consulting the bureau.

4016. Will you state the progress of the different operations which the elector has to perform from his arrival in the town where he is about to give his vote, up to the moment when the election is declared?—The electors' right is generally established by the amount of their taxes paid. The number of the electors, under the enactments of the law of 1820, was settled by a list. At the approach of an election, the duty of the functionary, representing in every "département" the Government, was to send to every member on the elector's list, what we call an Electoral Chart or Ticket. Furnished with this ticket, the elector went to the town where the Electoral College was sitting, and on showing this ticket, he obtained the right of entering the college itself. As soon as he entered the Electoral College, according to the law of 1820, he presented himself to the president, and there he took an oath; after which he wrote secretly the name of the candidate whom he had chosen, and he delivered this paper folded up to the president. The secretary, who is a member of the bureau, has before him a list of the electors, and as the electors vote, the secretary writes his own name against the name of the elector who votes, which is an attestation that the elector has voted in his presence; the object of which is to prevent double voting. When the elector had delivered his vote to the president, he could remain in the Electoral College till the end of the election.

4017. What does the president do with the voting papers?—The moment when the president received the folded paper from the elector, he dropped it into what is called the Electoral Urn, in the presence of the electoral body. When the deposition of the votes was ended, the electoral urn was emptied in the presence of the electors. The scrutineers counted the number of the voting papers, and observed whether the number of the papers exactly correspond with the number of the signatures made upon the electoral list by the secretary; that being done, every voting paper was delivered by one of the scrutineers to the president. The president opened it in the presence of the electoral body, and read it aloud, and then passed the voting paper to another scrutineer, who placed it in some open place. When all the names have been read in this manner, the voting papers having been placed one upon another by the second scrutineer, were burnt in the presence of the electoral body. Almost all these details of procedure were preserved in the enactments of the law of the 19th of April 1831.

4018. Whilst the president reads aloud the names which appear upon the voting papers, does any person at the same time take an account of the number of votes for each candidate?—Yes, that is exactly what I call the scrutineers, and the principal function of the scrutineers, as the name implies, is to follow the president as he reads the votes aloud, and to write the name of the candidate for whom they vote, by which means they can easily and correctly ascertain the number of voters for each candidate. When the result of the examination has given a majority in favour of one of the candidates, if on the first examination of the votes any one of the candidates has obtained an absolute majority of the electors, the president announces that that candidate is the deputy of the arrondissement, or of the department. When this majority is not obtained, there is then on the following day a ballotage, and it is then a question between the two candidates who have the greatest number of votes.

4019. This is the mode which prevailed under the law of 1820?—Yes.

4020. You have said that all which the law provided with regard to secret voting, was to declare that the vote should be secret, and that the voter should deliver his paper folded to the president; under the law, where did he write his vote?—The law of 1820 may be considered in a certain sense as an advantage, but two very

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important securities were still wanting; the first had reference to the existence of the electoral lists, the second to the secresy of the vote. The Government were exclusively charged with the preparation of the electoral lists; they put upon those lists the individuals they wished, and when the elector, who was alone interested, and who alone had the right of objecting, he was obliged to make his claim before the public functionaries themselves; and added to which, if the electoral body did not appear to the Government disposed to follow its views, the Government had the means, to a certain extent, of increasing the electoral body by granting false tickets, therefore a great security was wanting in the law of 1820; but on the 2d July 1828, a new law appeared; by this law, which was one of the reactions against the government of Monsieur Villèle, it was established first, that where a man had been once inscribed on the electoral list, he should remain permanently there till he was removed, which prevented the Government from taking the electors by surprise; and in addition, every elector had the right of demanding the exclusion of a non-qualified elector from the permanent list; and added to which, those discussions were brought before the immovable courts. This law of 1828 is the best security we have in electoral matters; but this only corrected one of the defects of the law of 1820, it did not provide for the secresy of votes; but custom has obtained for the nation this second security. The law of 1820 had declared that the votes should be secret; the electors thought that, from the moment when the law imposed this obligation, that law ought, by implication, to contain the means of carrying it into effect. The great disadvantage to which the elector was exposed under the law of 1820, was the obligation of writing the name of the candidate on the table, and in the presence of the president, who was an agent of the central government; but in the period which elapsed between 1820 and 1828, commenced the use of what we call cartoons in France; it is a kind of screen, 18 inches high, and which was placed between the president and the voter, so that the president, however much he might be desirous to know for whom they voted, could not possibly accomplish it. This custom has not, as far as I know, been positively recognized by law; at all the elections, even those of 1830, a certain number of the presidents refused absolutely to allow the use of those screens, but the greatest number of them, after a long resistance, have submitted to it. Such was the state of our electoral law in 1831, when the last law of elections passed.

4021–2. Will you state the nature of the last law of elections?—The object of the law of 1831 was first to increase the number of the electors, and with respect to the manner of the election, to give more efficacy to the secresy of voting. According to the law of 1831 the use of the screens is not recognized, but matters are so arranged that there is no need of them. Thus the law of 1831 declares that a separate table shall be placed at a certain distance from the president's table, and upon this second table the elector writes the name of the candidate for whom he votes; this second table is to be sufficiently distant from the table of the bureau, that the electors can easily move round it, and at the same time the president's table must be equally isolated, so that the electors may move round it, and observe in themselves whether every thing done by the president and the bureau is legally done.

4023. Does this arrangement practically provide that the table at which the elector writes is so far from the president's table that he cannot see what he writes?—That is the object of the law; I should add that, according to the law of 1831, the president being nominated by the electoral body, the same distrust does not attach to him as did before.

4024. Do you consider it to have been the principal object of the legislature which passed the law of 1831, and the object of the electors who forced upon the presidents the use of the pasteboard screens, to protect themselves against the influence of the Government, or to protect themselves against the influence of individuals?—The principal, and I may say the almost sole object of the law of 1820, was to protect the electors against the influence of that almost omnipotent individual whom we call the Government.

4025. Was that also the object of the law of 1831?—Equally so; this result grows out of our peculiar political and social position.

4026. Are the Committee to understand that from your social and political state, any apprehension which is felt on the part of the voters is an apprehension arising out of the influence of the Government, and not out of the influence of particular individuals?—In using the words "social position," I mean to speak of the almost complete equality which exists between different ranks; in consequence of which there

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there exists in France a very small number of individuals who can possibly exercise any very great influence over any great number of electors; with respect to our political condition, there are two circumstances which explain why the French electors entertain little apprehension of the influence of individuals, and do fear the power of the Government; the first is, that the number of electors being very small, and every one of them being in easy circumstances, it is very seldom that any individual is in a situation to exercise any influence over their welfare; if the electoral body was extended, and the poorer classes became a portion of it, perhaps individual influence would become more generally felt; the second is, that in France the Government has collected into its hands not only the power of directing the whole organization of society, but also of directing in a certain degree of all the local administrations, by which I mean the communes, the cantons, the arrondissements and the departments. Hence results first, that the Government has in its pay a prodigious number of public functionaries, not less than 180,000; and secondly, by the means of those individual functionaries it exerts also an immense influence over the happiness and the fortunes of those not immediately depending upon it.

4027. Were the precautions thus taken in the first instance by means of the cartoons, and in the second instance by the law of 1831, sufficient practically to secure the secresy of the votes?—It is difficult and perhaps impossible to give a perfectly conclusive answer to that question. It is admitted in France, and I think that the attempts that have been constantly made to accomplish the secresy of voting, proved that they were in the right; it is generally believed in France that by means of the precautions which both custom and law have introduced, any one who wishes to vote secretly can succeed in doing so; but I believe that experience has proved that in spite of those precautions, any one who wishes to make his vote public can always do it.

4028. By what means?—There are many means of doing it, but the most efficacious are to take advantage of the permission which the law gives to obtain another elector to write his name for him; I believe the law has expressed in these words, that the elector shall secretly write the name of the candidate, or shall choose another elector to do so.

4029. Was that permission given to provide for those that could not write themselves?—Yes, I think that was the object of the law; and up to the present time no objection has been made to this part of the law. The method I have just described is the easiest means of giving publicity to a vote, but there are a great many indirect methods of arriving at the same result. The vote being written upon a table, and the table being supposed to be surrounded by electors, any one who wishes to give publicity to his vote has only to write in an almost ostensible manner, keeping up the appearance of secresy which the law requires, and five or six of the surrounding electors, being in the neighbourhood, may discover what he has done; but if his intention was decidedly not to have his vote known, he might very easily write it so as not to be seen.

4030. Do you think it was as easy for him to show his vote to the other electors around, when the vote was written at the president's table with a screen interposed between the voter and the president?—That is a difficult question to answer satisfactorily; I doubt whether it was so.

4031. Do not you think that if it had been as much the object in France to guard the voter against the influence of other electors, as it has been to guard him against the influence of the president and the Government, precautions might easily have been taken to render it impossible for the other electors to know his vote?—In France, as I have already said, the only party whose influence causes any alarm is the Government; it is particularly from the eye of the agents of Government that they have been desirous to hide themselves; and as soon as that point is accomplished, the object of the law has been effected.

4032. Do you think that the elections which took place between 1820 and the revolution of July 1830, indicated that that object in the majority of cases was successfully obtained by the use of the cartoons?—With respect to that question, I must inform the Committee, that what I have said is founded rather upon experience growing out of my observation of facts, than upon particular facts themselves; and therefore in this part of my evidence I have no right to expect from the Committee the same degree of confidence as in the former part of my evidence. I think that the election at the end of 1827 was the most complete proof that the secresy of votes had been obtained in a very great proportion by means of the precautions I have stated. In 1827, that is to say, at the close of M. Villèle's

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administration, on the one side liberal opinions had made immense progress, and on the other side the substantial power of the Government had greatly increased, and the custom of bringing that power to bear had become very familiar; and the necessary consequence was that the Government, at the end of 1827, on one side made immense efforts to influence the vote of the electors, and on the other side the electors themselves, among whom were very many functionaries of the Government, conceived a very great desire not to obey that influence. The consequence was a result which, in my opinion, may be considered as an unfortunate result of secret voting, which is that a great many electors, particularly those who depended entirely upon the Government for their existence, promised their support to Government and did not give it; and the proof of that is this—M. Villèle's Government, up to the last moment of the elections, thought that they might reckon upon a great majority; almost all the prefects had stated to the Government, according to the accounts they had collected in the departments, that the majority would be in favour of Government; and it was with extreme surprise that some days afterwards, the elections having taken place, it was discovered that there was a very considerable majority against the ministry. That result was evidently obtained at that period in a manner perhaps morally to be regretted, but undoubtedly by means of the secret voting.

4033. Had the votes been open, do you believe that the result would have been otherwise?—I am inclined to think the result would not have been exactly the same; but I am not sure that the ministry would have had a majority even under a system of open voting; at this period the tendency to liberal opinions was so strong, that a great number of those who had every thing to hope and fear from the ministry, were determined to run all risks, that is to say, to lose their places if they should not succeed in turning out the ministry.

4034. Do you think that in that calculation of running all risks, the chances of being protected even in the event of the success of the Government by the secresy of their votes, had any influence upon the minds of the electors in determining them to vote against the Government?—I think that a man perfectly master of himself is also master of his secret, but I also think that it is difficult during the period that precedes an election, and during the period of the election itself, and especially after the election, for an elector so to act as not to afford some reason for suspecting in what manner he is voting; he is almost sure to do something that will create suspicion enough to lead to the intervention of an authority so little responsible as the French authorities are in administrative matters; so that the elector in such a case must run great risk of losing his place; and the secret voting, though it is a security which may be employed, is not by itself infallible, it is certainly however a very great security.

4035. Do you think that in France the probability of the secret escaping is in any degree increased by that species of confidence between individuals which results from the equality of classes?—I think that in France there may be some greater danger in consequence of the equality of the classes, because men have very little distrust of one another; and I believe that, in general, the secret is kept as far as regards the agents of the Government, or of known friends of the Government, but that the secret is in general avowed in private communication, and although that communication is no evidence of the fact, yet there is a sort of current rumour, which is sufficient to induce public functionaries so irresponsible as they are in France, to injure the elector upon mere suspicion. This observation refers to the public functionaries who are electors, because it is difficult for the public functionaries to do any mischief to an elector who is not himself a functionary.

4036. Are not the shopkeepers, who are patentees to a certain degree, under the influence of Government?—To a very small degree, because there are very few patents which it is in the power of Government to refuse. For example, take the case of a printer; there are two ways of injuring a printer who does not comply with the wishes of Government with respect to an election. The first is to take from him his printing license, because that is one of the few rights which the Government may refuse; however, I do not think there is a single instance of a printer being deprived of his license; but suppose a printer is employed to print the Government Acts and advertisements, which is an important privilege for him, in that case there is no doubt that the least suspicion with respect to his vote would deprive him of that privilege.

4037. You have stated, that there are about 180,000 functionaries in France; what

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what is the number of voters in France?—I do not believe the number of voters in France has ever been very positively ascertained, but the general opinion is, that it does not much exceed 200,000.

4038. Suppose that the agents of Government were to make it known that no man would be appointed to a situation under Government but those who voted for the Government, as you have said that every voter has the means of letting it be publicly known how he voted, would it not be the necessary consequence of that state of things, that every voter, who was a candidate for a place under Government, would take care that his vote was publicly known?—Yes, that may happen when an elector has any thing to hope or to fear from the Government.

4039. When the number of functionaries and the number of voters come to be so nearly equal, is not that almost a necessary consequence?—Up to a certain point it is; but I wish to observe, that the greatest portion of the 180,000 functionaries do not consist of persons belonging to the electoral body; many of those 180,000 situations are too unimportant to be an object of desire to the electors; at the same time I am bound to say, that it is by the aid of those hopes that the Government generally succeeds in determining the doubtful elections; but the power of Government in electoral matters has been constantly diminishing.

4040. Has the abolition of the law of primogeniture in France, by diminishing the amount and value of property as it goes on descending, materially diminish the number of voters?—I think it is extremely difficult, and perhaps impossible, to reply to that question. The law respecting the division of real property has two contrary effects; the first of those effects is to increase the number of electors by dividing the great fortunes in and among a greater number of proprietors in middling circumstances. The second effect is, to diminish the electoral body by reducing a certain number of the electors below the electoral qualification; but that question is one of the most difficult and the most important which can be agitated in the present state of France. Up to the present moment it has not been possible to ascertain, with certainty, whether the effect of the law of succession has been indefinitely to diminish the extent of inheritance, or only to break up the great territorial possessions, and still leaving untouched, or even recreating a great number of small properties. Many operations which have already commenced would induce the belief, that the effect of our law of succession is to make real property pass with immense rapidity from hand to hand, and that by this rapid transition from hand to hand, the number of the great properties is diminishing, and the number of the middling properties remains the same.

4041. Has not the qualification of voters been altered since 1821, as to the amount of tax to be paid to constitute a qualification?—Yes; in 1821 the electoral body was composed solely of the electors who paid 300 francs in direct taxes; but the law of 1831 lowered the qualification to 200 francs.

4042. Have you ever seen a statement that that diminution from 300 francs to 200 francs was made in consequence of the diminution of the number of voters?—The reason for lowering the qualification was not the diminished number of the electors, but a desire of increasing the then existing number.

4043. Was not it in the discussions of 1831 decided by facts that the number of voters taken in the different departments, during the several elections between 1821 and 1831, proved that a great diminution of electors had taken place?—I have not sufficient recollection of the discussions of 1831 to answer the question; but I think I can state positively that the principal object, if not the only object, was to bring in a new class of electors.

4044. If the fact were that, between 1821 and 1831, the number of electors had materially decreased throughout France, should you have the means, by reference to any authorities in France, to supply the Committee with the information as to that amount of decrease?—At this moment I do not possess those facts, but I think it would be possible to obtain them; but I believe that any accounts as to the number of electors in France would be incomplete before 1828, that being the period when the lists became permanent, and the electors became interested in the desire of increasing the partisans of their particular opinions; but my attention not having been particularly directed to this matter, I am not able to give such specific information to the Committee.

4045. Was not the number of voters decreased between 1821 and the Revolution in 1830, by some alterations made in the law of patents, and other laws relating to direct taxation?—Yes; the system of M. Villèle's ministry was to diminish as much as possible the electoral body; for this purpose a portion of the taxes which bore

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bore upon real property was repealed; the result of which was, that a good many electors were excluded from the list because they did not pay the amount required; the tax was reimposed upon landed property after the revolution in July.

4046. Is the voting for the president of the Electoral College, who was formerly named by the King, but is now named by the voters, taken in secret or in public?—I think that is also in secret, because generally in France every kind of voting is done in secret.

4047. You have stated that the French Government did not scruple to injure a voter who was in their employment, and who they suspected had voted against them, even although they could not be certain that he had done so; do not you think they would be very likely in that way to punish, without intending it, a man who might have voted in their favour?—It might sometimes happen, but I think very seldom,

4048. If it be impossible to arrive at certainty upon the matter, do not they run a considerable chance of injuring a friend as well as an enemy?—In general the Government does not injure an elector, except they know from other sources that his opinions are not favourable to them.

4049. Supposing such an elector, voting in secret, chose to vote in favour of the Government, contrary to his own opinions, he would not do himself any good by means of that vote?—If he could be prevented from voting publicly, I think the result spoken of might be obtained. Up to the present time we have not seen that it was, as I have said before, in the power of the law to prevent any one who wished to render his vote public from doing so. But I ought, however, to add that I believe the legislature have never tried to make the vote secret, in spite of the wish of the voter; at the same time I think that the object of the law was evidently that the secresy should be kept, even although the voter did not wish to avail himself of that secresy.

4050. But you have ground to think that the law does not take sufficient precaution in order to obtain that which was its intention?—Yes; I think that the French law has afforded great facilities of being disobeyed. I do not think it is known in France whether the legislature has any means of absolutely and completely preventing publicity. The law is manifestly imperfect, but we have no experience as to whether it can or cannot be made perfect.

4051. But the intention of the law was, that secresy should be observed in spite of the wish of any voter to give publicity to his vote?—I think so. In examining the terms of the law, the law does not say that the vote may be secret, but that it shall be secret; it does not say that the elector may give his paper in folded, but that he shall give his paper in folded; from which I think it may be inferred, as it has been inferred in France, that the positive intention of the legislature was, that the vote should be secret, even although the elector did not wish to avail himself of it; and that the law considered the obligation of secresy rather as a matter of public order than as a security to the interests of the voter.

4052. Then, in spite of the intention of the law, secresy has not been successfully obtained in France?—Secresy, as I have explained before, has been kept in a very great proportion, and the elections of 1827 proved it; but still all the electors who did not wish to avail themselves of the secresy have easily been able to violate the law.

4053. Though the system of law in France enables the voter to keep his vote secret from those by whom he is employed, it is more difficult for him to conceal his vote from his neighbour and his equals in society?—That is the great difficulty, because in general men are not afraid of the influence of their equals in society, and consequently, in order to keep secresy, he must not only look to the direct meaning of his words, but to the remote inference which may be drawn from them, which requires a greater effort of human prudence; and the result is, that they frequently keep the secret from the Government, and let it escape to their neighbours.

4054. But you attribute that to the fact of their not caring whether their neighbour knows it or not?—I think the thing is difficult in itself, but that it is more difficult in France than in a country where they would have to fear the immediate influence of a private individual.

4055. In the elections in France are the electors subject to any influence from the lower classes?—No, it is a very rare occurrence; I only know one or two cases.

4056. Having no opportunity of entering the Electoral College, do the lower

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classes in France attempt to exercise any influence over the individual electors as regards their votes?—I think they have never tried it, and I am sure they have never succeeded. There is not more than one or two instances of it which occur to my mind, and I think they are isolated cases.

4057. Will you state the nature of those cases?—One of them was at the election of M. Berryer, at Marseilles; when the electoral body were assembled, as soon as they began to perceive that there was a decided majority in favour of M. Berryer, a certain number of individuals, who cannot be said even to have belonged to the lowest class, for the lowest class at Marseilles were favourable to M. Berryer, but at any rate enemies of that candidate, went in a body to the college, broke open the doors, and took possession of the urn and burnt the voting papers, and by this means the election was void. The next day it began again, and the friends of M. Berryer were afraid, and did not appear, and the opposing candidate carried the election. The second instance exactly relates to the question put to me, but I do not recollect either the place or the year, I only know that it was after the revolution of 1830. In one of the towns in the south, the populace were favourable to the legitimist candidate; that candidate did not succeed, and the friends of the opposing candidate ran some risks. It is possible that in the south of France, which is the part of the country in which the lower class of the people take the most ardent interest in politics, it is possible that in that part of France there may be some other instances, but I do not recollect any of them at this moment.

4058. Was not that the case in the year 1830, before the election at Montaubon?—I recollect perfectly that at that period M. de Presac, the deputy for Montaubon, complained of violence almost personal, exercised by the populace of the town, but under what circumstances I do not know.

4059. But in those cases was not the force of Government always sufficient to put down such disturbances?—Certainly.

4060. In the case which you cited of Marseilles, how did the people who forced the college gates, in consequence of the election going against their friend, ascertain that such was the case?—That is very easy, because the names of the candidates are successively proclaimed, as I explained before, by the president, so that at the end of half an hour they begin to see what are the probabilities of the election.

4061. Then this violence was after the voting had ceased, but before the names had been proclaimed?—During the proclamation of the names.

4062. Had the declaration of the member who had been chosen been actually made, or was it merely in progress of being made?—It was in progress of being made; that is to say, suppose that the electoral body was composed of 400 persons, 200 of the voting papers had been already opened, and of those 200 papers, 150 bore the name of M. Berryer, and it was extremely probable that the same proportion would be found in the remainder which were not opened, and the enemies of M. Berryer ran to the Electoral College, and burnt the remaining unopened tickets, so that it was impossible to know on which side the majority was.

4063. Then the votes had been put into the urn but not all drawn out at the time the riot took place, and the riot took place while the votes were being examined?—Yes.

4064. You state that after that election was thus made void, the friends of M. Berryer did not venture to appear again; was that from a fear of personal injury, or from a fear of their votes being known?—It was a combination of two feelings on the part of those electors who did not come; on the one hand they considered that it was useless, because there appeared to be in the town a party who were supposed to be supported by the Government, and who seemed determined to defeat their efforts; and secondly, because I have no doubt that many of them were frightened at the idea of incurring personally the anger of those who had burnt the papers, because in the towns in the south of France the opinions of the electors are pretty well known beforehand, owing to the violence of the feelings that exist among them, so that when an elector presents himself at the college, they know beforehand how he will vote, so that in fact, in the south of France, it is almost as if a person voted openly, because the parties are so much in the presence of each other, that they know perfectly beforehand what the man's opinions are.

4065. A man's opinions being known, the presumption of every body is that he votes according to his opinions?—Certainly, till there is some proof to the contrary.

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4066. Therefore it does not enter into the supposition of any body that he should vote contrary to his opinions?—No.

4067. When you say that the lower classes in France do not exercise any influence upon the voters, do you mean that they take no interest in the election, or that they have not the power to influence the voters from the protection given by the secret voting?—There is a combination of both causes; generally speaking, for a long time past, the lower classes in France have taken very little interest in the result of the elections. In general the political feeling is concentrated among the middle classes; and moreover, I am convinced, that if the people had wished to influence the elections, they would have found the secret mode of voting a serious obstacle to their doing so.

4068. Do you think that if influence was exercised by the lower classes, secret voting would afford a perfect protection against them?—I would say complete protection; for if the electors became afraid of the populace, which has never happened yet, except in one or two cases, they would take still more effectual precautions to keep their own secret; I repeat again, that up to the present time, in the greater part of France, the only thing which has been feared in voting is the influence of the Government.

4069. Have you ever heard of the lower classes attempting to influence those voters, shopkeepers for instance, with whom they deal?—I have no knowledge of it, but I do not live in the south.

4070. Were not several elections annulled by the chamber in 1828, on the ground that the president had violated the secresy of voting?—I do not perfectly recollect; I know that at that period many elections were annulled, but as far as my recollection extends, I think that the reason that was alleged was the introduction of false electors, which was subsequently rendered impossible by the law of 1828.

4071. Did it not happen even in 1830 that several elections were annulled, on the ground of false electors having been introduced?—I do not think so; I do not think much can be inferred from what passed after the election of 1830; there were many deputies excluded from the chamber, but I think that most of them were excluded rather by a spirit of reaction, as the friends of the Government which had just been overturned, than by any reason sustained by evidence.

4072. Suppose a proposition was made in the French chamber to alter the mode of voting now practised in France from what it is at present, to voting *vivâ voce*, would it or not be the general belief in France that the Government would acquire a very great increase of influence by means of that measure?—Up to the present time the public attention in France has never been turned to that question; secresy of voting is in France what would be called here a matter of course; nobody of any consideration in the political world has hitherto expressed an opinion that the voting ought to be public, but my opinion is, that if the votes were given publicly, the power of the Government would be infinitely increased.

4073. Have you ever heard any case in the French elections, in which individuals had given money for votes?—The fact of giving money to obtain an election is a thing so rare that I do not think a single instance of it can be stated with any thing like proof. I know that in certain cases it has been said, that money has been given, but no inquiry has been made upon that subject, and I do not think that such proof ever was given of it as even to influence public opinion.

4074. Has there never been a case in which a complaint of an improper election has been made to the chamber, upon the ground of a candidate having obtained his election by bribery?—No, I do not know of any; but I may remark, that by the word "bribery" I understand solely corruption effected by the giving of a sum of money, because it has constantly happened in France that the Government, by promising a place or by threatening the loss of a place, has influenced an election in a very notorious manner.

4075. In those cases where the Government has influenced the elections, do you apprehend that the electors have availed themselves of those provisions of the law which enables them to evade the secresy of the vote, by making another person write their name for them?—In general, in France, if any party wishes to influence an elector, whether it be the Government or an individual, (the latter being a very rare thing) they rely either upon a promise given by the elector, or upon the impression which they think they have made upon him. It is very rare, excepting in the case of a man who is very low in condition and society, to dare to ask him to give you a proof that he votes as he has promised.

4076. Do

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4076. Do you think that the infrequency of asking for such a proof arises from the known power which he has of keeping his vote secret?—It arises in part from that; it arises also from a more general cause. I think that in France, in election matters, the same feeling has not arisen which exists in countries where the custom of elections has prevailed for a long time. In election matters in France up to the present moment, the same ideas of honour and dishonour exist which are applied to all other human actions, and consequently the respectable persons who give their word keep it, and those who are not so, do not keep it; in the same way that some men steal and others have no desire to do so. I mean to say, that in election matters in France there have not yet arisen any notions of morality different from what apply to every thing else.

4077. Do you think that public indignation would be turned in France against any person who should publicly threaten or compel persons under his influence to vote in a particular way?—I think that in the present state of morals, it would be considered very bad, but still the thing has frequently been done.

4078. Is it done in general openly or secretly?—It is generally done in a very secret manner. A man who should be openly threatened, and who should act in consequence of that threat, would generally be considered as infinitely lowered in the opinion of society. I think that in general almost all those who wish to influence the electors, endeavour to persuade them that they are desirous not of forcing them but of convincing them.

4079. What do you think would be the public sentiment in France towards a landed proprietor, who stood at the place of election until his tenants had all voted at the poll, and who remarked to them as they voted "Now take care how you vote," and other expressions indicative of an order, that they should vote according to his opinion and not their own?—I think it would be looked upon in a very bad light by the electors themselves, and by the population in general.

4080. Is there in France any sort of public opinion, that it is a matter of course that the votes of the tenants, or persons in the employment of powerful individuals, should go along with those who employ them, or have any authority over them?—I think it sometimes happens, but seldom, owing to a cause which is peculiar to France, that there are very few individuals who have a great number of tenants electors; it is very unusual for a landed proprietor and his tenant to be in the same Electoral College.

4081. Do the farmers in general vote?—There are a great number who vote.

4082. In those cases, where there are tenants voting in an arrondissement, suppose the proprietor resides not in the arrondissement, but at Paris, in the event of an election, is it customary for the proprietor to write down letters to his tenants, or to employ the influence of any land agent, so as in any way to direct the votes of the tenants who live upon his land?—That has sometimes happened, but it can only have happened upon a very small scale, because the number of the tenants who are at the same time electors and who belong to the same property is very small.

4083. When the Government procure a vote by the promise of a place, are they in the habit of requiring that the voter shall make his vote public?—That is very rare, and much more rare on the part of the Government than on the part of individuals, because the Government in asking a thing to be done which is considered so humiliating, would be obliged to conduct the investigation with a degree of publicity that would injure them more than the vote was worth.

4084. Is there any suspicion that individuals who are standing in the Electoral College during an election are spies and agents of the Government, walking about to watch how men vote?—That has sometimes happened when there was a public functionary of the arrondissement a member of the Electoral College, but in general the ostensible friends and supporters of the Government are regarded with suspicion when they are seen inside the Electoral College, and consequently they feel themselves to be in such a delicate position that they wish to remain there as short a time as possible; when I say this, I speak generally, but it must be always understood that there are exceptions.

4085. Do the Government, after promising a place to an elector, fulfil their promise, trusting to his honour to vote as he promised?—The Government, or rather the agents of Government, very frequently promise to two or three persons the same place, and I think that is a sufficient answer to the question, because, of course, they cannot multiply the places according to the promises.

4086. In fact, they confer the place without requiring the voter to show to them how

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how he voted?—Yes, very frequently; the Government must rely upon the word of the elector.

4087. You have visited the United States of America?—I have.

4088. Did you make any particular inquiry into the practice of secret voting there?—Before going to the United States of America I had not been in England, and I had not seen any other constitutional government than that of France. In visiting a foreign country I was naturally disposed to examine chiefly that which was different from what I had been accustomed to see in France; and as the secret voting had always existed, within my knowledge, in France, and as the political discussions had never turned upon that subject, I was led to regard the secret voting as a thing perfectly natural; therefore when, on arriving in America, I perceived in a great number of the States the practice of secret voting, my attention was not drawn to that point; and I examined only in a very slight and superficial manner every thing in America relating to the secret voting, considering it as a matter of course; consequently I cannot state to the Committee the details which they might otherwise expect from me. I can only give a general notion of the secret voting in America, and that notion is this, that I never observed in America that the secret voting was either objected to on the one hand, or praised on the other, with any degree of warmth, which I attribute to this circumstance, that, while the government in America is often weak, there is no individual, or at least a very small number, whose favour is to be courted, or whose power was to be feared.

4089. Supposing that, over and above the influence of the government in France, there was also a class of proprietors who had a very great power of either rewarding or injuring persons who vote; would not that be, in your mind, an additional reason for desiring the protection of secret voting for the general mass of French voters?—It is difficult to answer a question which is founded upon the supposition of circumstances which do not exist in my country, and which I can only conceive by an effort of imagination; but I am disposed to believe that, in the case supposed, the power of voting in secret would appear still more invaluable in the eyes of the electors of France.

4090. Do you conceive that the secret voting in America is necessary to protect electors against the strong state of popular feeling?—Yes; that is the greatest advantage which I ascribe to the secret suffrage in America. In America, tyranny can only come from the majority. Hitherto this tyranny does not appear to me to have been brought into action on a very large scale. I suppose, however, that the secret voting has afforded, and will afford, an important security against the tyranny of the majority, which I consider as the greatest evil and the most formidable danger that can attend a purely democratical government.

4091. Were you ever present at an election in America?—Yes; but I have never examined the details. The elections are so frequent in America that it is impossible to remain for any length of time in the country without passing through places where the elections are going on; but I confess I have not given to that subject all the attention which appears to me now to belong to it.

4092. Can you state whether, in point of fact, the voting is secret in America?—So far as I can judge, I believe that in America there has been too little danger in a man making his vote public, to create any great desire to conceal it.

4093. Are you aware that it is the practice in America to call meetings before the elections, and to get persons to sign papers in order to ascertain how they mean to vote?—No; the same sort of meetings take place in France, except, however, that the electors are not obliged to choose their candidates. In France almost all the electors meet together some days before the election; and the candidates, or the friends of the candidates, address them, and sometimes the feeling of the meeting is shown by a preliminary secret ballot.

4094. When the electors ascertain, by this preparatory operation, in whose favour the votes are likely to go, do not they always have recourse to the secret method of doing it?—I think they always have recourse to the secret ballot.

4095. You are not aware that in America a contrary practice prevails?—I have no knowledge upon the subject.

4096. Are you aware that in America, before the election, it is the practice to deliver coloured tickets?—I do not know. I know, from my own experience in America, that it is extremely rare for any election in the Northern States to be attended with any riot. I have heard that in the Southern States, in which I remained a much shorter time, the elections give rise to affrays; but I believe that

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that in the Southern States the custom of voting publicly is more general than in the Northern States.

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4097. When you say riots are rare in the Northern States, do you include New York?—I speak particularly of the New England States; but I think that the same thing applies to the State of New York, except the town of New York.

4098. In what year were you in America?—In the year 1831.

4099. That was before the last election of General Jackson?—Yes, that was in the year 1832. There is one thing which I was much struck with in America, and that was the extent to which they have gone in subdividing the electoral body, so as to obtain the votes of a very great number of electors in a very little time, and with very little trouble; the subdivision of the electoral body is extremely great, especially in New England.

4100. How are they divided?—I believe that every township has its electoral body, and it is the results of those subdivided elections which give the general result.

[*The Witness delivered in the following Paper.*]

Loi du 29 Juin, 1820.

Article 6.

Pour procéder à l'élection du Député, chaque électeur écrit secrètement son vote sur le bureau, ou l'y fait écrire par un autre électeur de son choix, sur un bulletin qu'il reçoit à cet effet du Président. Il remet son bulletin, écrit et fermé, au Président, qui le dépose dans l'urne destinée à cet usage.

Loi du 19 Avril, 1831.

Article 48.

Chaque électeur, après avoir été appelé, reçoit du Président un bulletin ouvert, sur lequel il écrit, ou fait écrire secrètement, son vote par un électeur de son choix, sur une table disposée à cet effet, et séparée du bureau; puis il remet son bulletin, écrit et fermé, au Président, qui le dépose dans la boite destinée à cet usage.

Article 49.

La table placée devant le Président et les scrutateurs sera disposée de telle sorte que les électeurs puissent circuler à l'entour pendant le dépouillement du scrutin.

Article 50.

A mesure que chaque électeur déposera son bulletin, un des scrutateurs, ou le secrétaire, constatera ce vote en écrivant son propre nom en regard de celui du votant sur une liste à ce destinée, et qui contiendra les noms et qualifications de tous les membres du college.

Chaque scrutin reste ouvert pendant six heures au moins, est clos à trois heures du soir, et dépouillée séance tenante.

Article 51.

Lorsque la boite du scrutin a été ouverte, et le nombre des bulletins vérifié, un des scrutateurs prendra successivement chaque bulletin, le dépliera, et le remetra au Président, qui en fera lecture à haute voix, et le passera à un autre scrutateur. Le résultat de chaque scrutin sera immédiatement rendu public.

Article 52.

Immédiatement après le dépouillement, les bulletins seront brulés en présence du college.

Jovis, 25° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, in the Chair.

Mr. *John Gilbert,* called in; and Examined.

Mr. *John Gilbert.*

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4101. WHERE do you reside?—At Birmingham.

4102. What are you?—I am a licensed victualler and wine merchant.

4103. Did you take a part in the last election for the borough of Birmingham?—Yes, and I canvassed for Richard Spooner, esq.

4104. Was any extensive system of intimidation in practice at that election among the lower classes of non-electors, by which the votes of a considerable number of electors were influenced?—Yes, there was.

4105. Can you give any instance that came within your own knowledge?—I can in one instance state, that a person of the name of Gray had promised, and

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when I called on him to vote, he said he was not aware how the town was situate, or he should not have promised me; but that his customers had waited upon him, and he found that if he voted for Mr. Spooner, he should be ruined.

4106. What trade was he?—He was a victualler; he kept the Spread Eagle in the market-place, in the bull-ring.

4107. Was his district principally among the lower classes of non-electors?—I should think they were. I canvassed another landlord, and when I went to canvass him, he put up his finger, and said, "Hush! hush! they will hear you in the kitchen, and if they hear you, I am ruined." He confessed that his heart was with Mr. Spooner, but that he durst not vote. Another instance was with a pork-butcher in Suffolk-street; the landlord waited on him with me.

4108. What was his name?—I forget the man's name; his landlord's name was Fincher, a leather-seller, and he said, "My heart is with you, but I have had all the neighbours waited upon me from all these yards, and told me that they belonged to the Political Union, and that if I voted for Mr. Fincher, they would never buy another bit of pork from me. Mr. Fincher, do excuse me, do not press me to vote, think of my family." Mr. Fincher said, "Then, for God's sake, do not vote." I have known instances where they have gone into public-houses, and asked them whom they were for, and if they said they were for Spooner, they have taken their customers out, and taken the ale to the door and poured it out into the street, and said that was Tory ale, and they would have some Reform drink. In my own case, I have spoken to the people when they have stood at the door, and when they have seen people come in, they have said, "Damn his eyes, he is a boroughmonger, and if you go in, I will fetch you out neck and crop;" and there is not a week passed since I was for Mr. Spooner, but I have been insulted in this kind of way.

4109. You say *they* have stood at the door, do you mean some of the populace?—Yes, non-electors.

4110. In considerable numbers?—I have had them eight and ten, and I have had them come into the house, and I have been cut with a quart pot; some Irishmen came in and cut me across the hand with a quart pot on account of voting the opposite way.

4111. Was it the practice to have a placard in the windows of the bar always, stating for whom they voted?—Yes, it was.

4112. Was that required as a sort of certificate to popularity?—Yes, for the customer to know where to go; and there was one butcher, his name was Ludlow, in Digbeth, who had voted for him, and they stood against the shop, and would not let any man buy of him until the man cried and called them together, and promised never to do the like again; and there are many instances of that. The non-electors were to go in procession, but it was stopped; they were to go round to those houses to intimidate; that was stopped, I believe, by an order from the other committee.

4113. What were they to do when they went in procession?—They were to go to the hustings, and whenever a man voted for Spooner, they termed it the black list, and that black list stood against them that no man was to deal with them.

4114. Was any list of that kind actually framed?—The poll book was called the black list.

4115. Were the names of those who voted for Mr. Spooner extracted from the poll book, and a separate list made of them?—The names were marke where there was a Spooner, they were marked with a cross at the public-houses; they have come to me and said, I have you on the black list—I have had 20 come to me.

4116. They consider that the electors are responsible to the non-electors?—Yes, they do; and I have reasoned with them on that point; they say that is all the power they have, that they pay as much tax as any one else, and whoever votes against them, that is, not for Reform, their object is to crush him, to let him know what reform is wanted—that was their argument with me.

4117. Was there any apprehension of damage being inflicted on persons or property, in consequence of the votes given for the unpopular candidate?—One man who lived in Hospital-street had his head broken for voting for Mr. Spooner.

4118. Was there a general apprehension among the electors, that if they voted for the unpopular candidate, they should be injured in their persons?—Not, I believe, so much as custom and that sort of thing; I do not think they have so much apprehension of damage of their property as of losing custom, and putting that cross on the doors, as they called it.

4119. Was there any thing of that kind practised?—They called it putting a cross because of the black list, so that no one was to deal with them.

4120. They

4120. They did not threaten personal violence?—I do not know that they did.

4121. Nor in many cases inflict it?—No; but as soon as they knew of their voting, they stopped their customers dealing with them.

4122. Independent of the particular instances you have related, is it your belief, from your general information and observation, that a considerable number of voters were swayed by this system of intimidation from voting as they wished?—Yes, I am certain of that.

4123. Do you recollect the number of votes given to Mr. Spooner at that election?—900 and odd.

4124. How many were given to Attwood and Scholefield?—I think 1,500, but I cannot speak exactly.

4125. Notwithstanding that great difference of numbers, is it your belief that if the electors had been able to give their votes free from any fear of consequences, the result of the election would have been different?—I am positive, from the promises made, that Mr. Spooner would have been returned; I am confident, in my own opinion.

4126. Do you know any thing about the last election for South Staffordshire that took place this last month?—Yes; I was at Walsall; I did not canvass for Sir Francis Goodricke, but I went up to assist in getting the votes up.

4127. You were at Walsall on the polling day?—On both days.

4128. Will you state what passed?—I saw several instances where they were pelted with dirt, so that they could not get up to vote; and I went to a magistrate, and said, it was impossible to poll the votes unless they had more protection.

4129. Were any voters prevented polling by that violence?—Yes; I saw four that were beaten back again, who did not come up; one that I did get up was so beaten that he was insensible; he was a surveyor at Birmingham.

4130. Was he beaten before he got up to the poll, or afterwards?—After he had polled; and there was one attorney of the name of Smith, of Walsall; whether he was a poll clerk, or what, I do not know, but he was taking the names down; and there was this man I was taking up to the poll, named London, a saddle-maker at Walsall, and as soon as he had voted, he said, "You are a pretty fellow to come and vote for Goodricke, when you had promised Anson;" he had no sooner done that than the stones were about; and I believe the man would have been murdered if I had not turned and asked if that was their Walsall liberty, to murder a man because he wanted to vote conscientiously; and they said he was a turncoat.

4131. Did he break his promise?—I cannot say.

4132. Did you take the trouble of ascertaining whether he had made the promise which he was charged with?—The stones flew about my head; all my care was to get away myself.

4133. You say you took up voters to the poll; were you paid for taking them up?—Not a farthing.

4134. You were a volunteer?—Yes; both for him and Mr. Spooner.

4135. You say a landlord of the name of Fincher went with you to wait upon a pork-butcher?—Yes.

4136. Why did you take the landlord with you?—He was a great acquaintance of mine; he canvassed that district.

4137. What do you mean by the landlord?—He was the owner of the house where the pork-butcher lived.

4138. Why should you take the landlord with you?—The landlord took me rather; he canvassed that district.

4139. Has he many houses in that district?—Yes.

4140. Do you think the tenants in Birmingham are much under the influence of their landlords?—He was not under him for a moment; he said, that he did not wish to vote; the landlord said, "Then, for God's sake, do not vote if it is not your wish."

4141. Did you wait on any other tenants of Mr. Fincher than this pork-butcher?—No, I did not. Mr. Fincher owns many houses; but I do not think he had a single tenant who voted for Mr. Spooner. He has another tenant, a beer-shop in Allison-street; he voted against him, and he assigned the reason that he should be ruined; and Mr. Fincher said, that he should vote for him himself, but he did not wish them to be injured.

4142. Were they tenants at will, or had they leases?—They were only yearly tenants.

4143. Had these men what are called good takes?—No; I do not know that they were better takes than their neighbours.

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4144. If they had been turned out by their landlord, they would have found no difficulty in getting another house at Birmingham, at the same rate?—They might have done that; but if they had got a large custom there, to turn them out would have been a serious injury, particularly a retail brewer in Allison-street, it would have been almost his ruin; but Mr. Fincher said, he would do as he thought fit, and they should do the same.

4145. Suppose Mr. Fincher had insisted on this man voting for Mr. Spooner, which would have been the greater injury, the losing his customers, or being obliged to quit his house?—I should think that losing all his custom would be the most, for he might have got another house in the neighbourhood; and there might have been an order from the political union, and they might all have flocked to him.

4146. In either case it would have been a great loss to him if Mr. Fincher had thought fit to insist on his voting for Mr. Spooner?—Yes.

4147. Were there any voters who were pulled in these two contrary directions, and who, in consequence, declined voting at all?—I almost think the pork-butcher never voted.

4148. Do you think there were many who, in consequence of those contrary interests, declined voting?—I cannot say; for the moment they found how they were, the other party almost fetched them out of the house. Gray was fetched out, and voted against Spooner, though I never saw a man that volunteered his promise so free as Gray did; but he voted against him on account of the influence of customers.

4149. Do you know of any tenants being turned out at Birmingham for so voting against the influence of their landlords?—I do not know that I do.

4150. Do you know of any tradesmen losing the custom of any of their customers in consequence of the vote they gave?—Yes; I can speak to myself as one.

4151. You suffered?—Yes, I have suffered greatly.

4152. Do you know of any persons losing their custom in consequence of the vote they gave for the other candidates, Mr. Scholefield and Mr. Attwood?—I do not; and never heard, I think, of any one. I never heard a hint of such a thing on the other side; being so popular with the lower order, it would have been the greatest benefit a man could have done if he had made it known he was injured by it.

4153. Were there not some who lost the custom of some of the wealthier classes in consequence of the vote they gave for Messrs. Attwood and Scholefield?—I never heard a single instance of it.

4154. Do you know of any tradesmen who had some customers among those who voted for Mr. Spooner, and some customers among those who voted for Mr. Attwood and Mr. Scholefield?—Yes; I know a tradesman in Bull-street who has customers on each side, but I never heard of any one of either Mr. Attwood and Scholefield's party leaving him.

4155. Did you inquire at all of him, whether they did or not?—I never did; but I am very frequently with him, and I never heard him complain.

4156. Which way did he vote?—I think he voted for Spooner; but I never heard him say that his customers, though they were more wealthy, ever slighted him.

4157. Why did you take such a strong part in this election?—It is my principle.

4158. You are a Tory?—I am, and have been all my lifetime.

4159. The clergy of the Established Church in Birmingham agree with you in opinion?—Not all of them.

4160. Did the clergy take any part for Mr. Spooner?—I do not think they did; there is one, I think, the rector of the Old Church, I should sooner think he was against Mr. Spooner than for him; but there were some of the clergy the other way, the one of St. Paul.

4161. Did any of the clergy who were for Mr. Spooner, say that the Protestant religion was at stake?—I never heard them say that, nor saw any thing from their pen; I saw it in the electioneering squibs; in the time of the election every thing they can get they will say; they are not very particular as to what they write in those.

4162. Were there any sermons made in Birmingham about politics, about the time of the election?—I did not hear any preached.

4163. You are a member of the Church of England?—I am.

4164. Did you ever hear, during the number of years that you have attended church, clergymen make sermons on politics there?—No; I have heard them make some remarks about the church being in danger; at the Old Church I have heard that, but I never heard a political sermon preached in my life.

4165. Did

4165. Did the dissenting ministers in Birmingham take an active part in the election?—They did indeed; and one Catholic man was very active.

4166. When did you hear this sermon about the church being in danger?—I think that is since the election.

4167. The church was never in danger before the election?—No, I never heard a sermon preached on the subject before the election.

4168. You have suffered yourself severely by your vote?—I have.

4169. Do not you think it a very hard thing that you should suffer by giving an honest vote?—Yes; they have come and said, "You have been a Tory long enough, if you will turn to us, we will bring you a house-full of custom."

4170. That is a form of bribery, is not it?—They have said, probably you will be ruined by sticking to that party; and I have said, "I have been brought up as one, and will go to the workhouse as one, sooner than turn."

4171. Do not you think that it is very hard an honest man should be injured by conscientiously exercising his will?—Certainly.

4172. Do not you think it would be much better for you, under those circumstances, not to have a vote at all?—It would be better for my family, but I am a man of that spirit, that I would sooner go to the workhouse than I would knock under.

4173. Would you rather give your vote openly or secretly?—I hope I shall never back a candidate that I am ashamed of.

4174. If you had your choice, would you vote secretly or openly?—I do not like any thing secret.

4175. You would vote openly?—Yes, I would; whether I stand or fall, I should like every one to know my principles, and whom I vote for.

4176. Have you always been a committee-man at the late elections?—I never was a committee-man in my life.

4177. Have you attended the committee to give assistance and information?—I have attended and offered my services.

4178. Have they been accepted?—Yes.

4179. Did you assist the committee in canvassing?—Yes.

4180. You are a partisan on the Tory side?—Yes, I have taken a part and have always been proud to do it; it has been a hobby all through my life; I have done it for 40 years.

4181. Are there many of the lower class in Birmingham enrolled in the Political Union?—There are.

4182. Do you think the system of political union contributes to the system of exclusive dealing?—Yes; and if there had never been the Political Union, Mr. Richard Spooner would have been now in the house.

4183. Are there many other persons in Birmingham on your side who are as strong partisans as you are; do not you think many of the men had rather have no vote at all?—I am sure I cannot say; I have never heard them say; I have heard their wives say that they wish they had had no vote when they have suffered by it, but a good Tory never flinches.

4184. Do you think a good Whig would flinch?—I am sure I cannot say; I never kept much company with them.

4185. Do you know whether the system of exclusive dealing has ever been the subject of discussion in the Political Union?—Yes, it has; I have been told it has been discussed, and I have had a person come and told me that a knife has been drawn that is to take away my life, and cautioned me not to go out.

4186. Do you know whether any such discussion has taken place at the meeting of the Political Union?—It was at a meeting.

4187. Do you know whether such a resolution has been passed at the Political Union?—I have heard it was passed, and passed against me, but I have no proof; but I have heard such an one is not to be dealt with, and such an one is not, and you will be the first to fall.

4188. Has there been any resolution passed on the subject of exclusive dealing?—I have never seen the resolution.

4189. Do you mean to say that the Tories of Birmingham do not prefer dealing with men of their own political feelings?—I am sorry to say, but I can say that they will not sacrifice any thing for the good of that cause; they would be better than they are if they would stick up for their party as they ought to do.

4190. You think that the Tories ought to deal with persons of their own way of feeling?—Yes, I think they ought to deal with me, but they do not, they leave me to

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to fight it out, and that is a proof that the Tories do not stick one to another as the Political Union do.

4191. Do not you think that very disgraceful to them?—I do not know; they are good, and do not like to unite, they like every one to be free.

4192. Did the gentlemen and clergymen in the neighbourhood of the town come in to canvass previously to the election?—I never saw one canvass, and I never saw, all the time that I went to the committee, a clergyman of the church persuasion there all the time.

4193. Did the gentry?—Yes, they came in, a good many of them.

4194. Did you ever know any neighbouring gentleman, any squire come in, and take the least part in an election?—Not the neighbours, I have known those in the town.

4195. By the gentry you mean the opulent tradesmen of Birmingham?—Yes, I could mention names if it were wished.

4196. You know of no interference from the neighbouring squires?—Yes, Squire Taylor was the chairman.

4197. He is a banker in Birmingham?—Yes, but he lives out.

4198. You say you have never known the clergy of the church canvassing, do dissenting ministers canvass?—I have been informed they have, but during my canvass I did not meet with any of them, and particularly Mr. East has laid very great stress on his congregation.

4199. And the Catholic clergymen?—Yes.

4200. Have master manufacturers much influence over the operatives as regards their votes?—Yes, and by calling them together, I have heard of their making speeches to them, and telling them, which is a very great stroke of deceit, this is the reason why we have to pay you such low wages; if this Reform were got, we should pay you better wages; and I have known them screw the men down, and tell them if the Reform could be got through they could raise their wages.

4201. There are master manufacturers who act in this way probably, both Whig and Tory?—No, the Tory side never preach up about Reform, for it does n good.

4202. Though they do not preach about Reform, they preach about something else perhaps, in order to influence their votes?—I believe the chief that they preach on is that the church has been in danger.

4203. Do the operatives mostly comply with the desire of the master manufacturers?—No, I have known them to damn their masters, and say they would sooner lose their work than not vote against Attwood and Scholefield.

4204. Can a master manufacturer, with convenience to himself, turn out a workman who is a handy man?—Oh yes, he can soon have another.

4205. Do you know of any instances of master manufacturers turning away their operatives because they did not vote as they wished?—I do not know of a single instance.

4206. You have not heard of one?—No, I do not think any men are so independent as the mechanics of Birmingham, because they can go to almost the next door and get work.

4207. Are there many operatives in Birmingham voters?—A 10*l.* house there is a very small house; where I live there are arches under the new market-place, my house adjoins the new market-place, and they are assessed at 12*l.* 10*s.* for arches like those, consequently there being those little dealers' shops kept, they favour the lower orders for their custom.

4208. In point of fact, the man who is not independent in Birmingham, is the tradesmen whose customers lie among the populace?—Yes, they are all dependent on the populace.

4209. Do not you think it would be a good thing that they should be able to give their vote without being subjected to losing their custom?—I can never bring my mind to do any thing in secret.

4210. Do not you think that those who are not able to give their votes in the way they are now given, could, without inconvenience, give their votes secretly?—If a man has a vote, its being secret at the time for whom he voted, it would be a benefit, but still I think, unless it was known what party they voted for, it would create almost a greater jealousy than there is now.

4211. A man would not lose his custom in that case?—If he would not say whom he voted for, a man would go and ask him, and if he would not be frank, he would be sure to be condemned as a Tory, then away goes his business; Birmingham is in such a state, that at the times of election he must tell whom he will vote for, or he would lose his custom.

4212. How would they know whether he told the truth or not?—If he was to tell a falsity, it is ten to one but that would be made out afterwards.

4213. How?—I think there could be no way of voting but it must be known when they come to cast up the numbers, and there would always be the surmise one way, and then another seeing those names, it would be possible to make them out.

4214. If it was known, why should they go to ask him?—If they asked him then, and he told them he voted on the other side, and it then got wind that he did not poll on that side, I think the injury would be more serious than it is now.

4215. Supposing it never did get wind?—Then it might be a benefit.

4216. Supposing you contrived, as the gentlemen in the clubs in London contrive, to vote so that it never can be known how the man has voted, and it is never known unless the man chooses to declare it?—Though I should never be an advocate for that, I must say that it would be a benefit to me.

4217. Are there a considerable number of voters of Birmingham 10*l.* householders who do not care about politics?—I should think not, they must be either one party or another.

4218. Why must they be?—Because they are hardly looked upon as members of society if they do not vote for one or other.

4219. But for intimidation, do you not think Spooner would have been returned?—I do.

4220. Then you think that Birmingham is not properly represented?—Yes.

4221. Do not you think some change is required that will prevent intimidation?—Yes.

4222. How would you propose to prevent it?—That if any man offered to prevent a man going up to the poll, or threatened him at the poll, he should be severely punished.

4223. How would you prevent the operatives taking away their custom from a tradesman like yourself, in case they disapproved of his vote?—If it was known that he threatened any man, he should be punished.

4224. May he not take away his custom in consequence of his vote, without threatening him?—How can he take it away unless he goes and threatens him.

4225. May not a man decline dealing with you in consequence of the vote you have given, without informing you why he has taken away his custom?—Yes, certainly.

4226. Then you cannot, by any law where there is no threat held out, prevent their taking away their custom if they please?—No; but if a man of his own free will leaves my house, that is another thing; but I am speaking where another man goes and threatens a man if he comes to me.

4227. You do not object to any man taking away his custom, but you object to those congregations in front of your house preventing others coming in?—Yes; and my customers have gone out, and I have heard them say, "What do you go to that damned old fellow for?"

4228. Do you think if there was any law to prevent this threatening, the operatives would not still agree with one another to take away their custom if they voted in a manner they disapproved?—Yes, I believe they would evade the law if they could.

4229. How would you prevent persons recommending one another, and saying, do not deal with that old fellow?—I do not know that we could, but I think if there was a law to prevent intimidating persons when going up to the poll, that would die away.

4230. Would it not be much better prevented if persons were not aware how they voted?—It might be better if a man was lukewarm or timid, but not if there was any one who stood by.

4231. Your opinions, in consequence of your being an active partisan and a bold man, were well known; but take the case of a person who has never taken any active part, and who is quite nervous about these matters, it would be better for him?—Yes, it would, I believe; if it was done in that way that nobody knew how they voted, Spooner would have been returned.

4232. Therefore, many voted against their opinions?—Yes.

4233. Would it not be a great point to have their votes agree with their opinions?—Yes.

4234. Do not you think it would have been a great thing for the pork-butcher to have been enabled to vote as he wished?—Yes, for the man was so frightened that he did not vote.

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4235. Do that class of persons in Birmingham discuss politics in the public-houses?—Yes, and in the factories.

4236. Do you think that if a man had voted in secret he would be able to keep the secret?—I cannot say; I think they would be able to get it out if he was not a man of very great nerve; if he would not say who it was, they would say then, "Damn you, you are ashamed of it, you have voted on the Tory side."

4237. You think they would punish him equally?—Yes.

4238. Would the ease of honest men be increased by that secret voting?—It would do away with that violent party spirit; I think it might in time do away with a great deal of it.

4239. Do you think they would punish the man equally who refused to tell them how he had voted, as the man who told them he had voted against their side?—I think that they would for a time perhaps.

4240. That would not be the case for many elections, you mean?—Yes.

4241. You think it would not after a time?—It might do it away.

4242. Do you think that it would do that away when there was a contest?—It is the seeing a man going up to vote that rouses this spirit—father and son will hardly speak to one another.

4243. You think if they did not know for which side they were going up to vote, party spirit would not be so great?—No; but if they would not say for whom they voted, then I think they would say you voted for the Tory side.

4244. Do you think those who have voted on the popular side against their own principles, would still do when they were not obliged to inform other persons for whom they voted?—No, not to so great an extent; those that wanted to get custom might do it.

4245. Do not you think there are a party of shabby Tories in Birmingham, who, though they had voted for a Tory, might stick up that they had voted for Attwood and Scholefield to get custom to their houses?—Yes, I dare say there are.

4246. Do not you think they would find them out?—If it was impossible to tell how they had voted, I do not know how it is to be found out; if any person looks over the book he would obtain the information.

4247. Suppose they could vote as they do in the clubs in London, so that it is utterly impossible to get evidence how the men voted, if the only evidence they could get was from what the men said, do not you think they would be deceived by those shabby people who said they had voted on one side, when they had voted on the other?—Yes, and that is the reason I do not like the system.

4248. Do not you think they would find out they had been deceived, without telling by whom they had been deceived?—I hardly was ever in company with a man but I could tell which way he would go, if I came into conversation with him.

4249. Have you no hypocrites in Birmingham?—Yes, we have many hypocrites, but still for all that, though they do that for a little gain, if you come to talk with them, there is that kind of feeling in a man's breast, you can discover it.

4250. Do you think a man would withdraw custom from a man, and intimidate people from going into his doors on a mere guess?—I am sure I cannot say; I should almost think they would do such a thing, as long as the Political Union was in being.

4251. Suppose a man could conceal how he had voted for a month or six weeks after the election, do you not think that would give a man a great chance of escaping persecution?—Yes, I do; that is the very thing; if it could be kept secret for so long, I think the heat would a great deal subside.

4252. Suppose it could be kept secret, not only for a month but for ever, would not that be a still better security?—Yes; but I think it is impossible that it should be kept secret.

4253. Suppose people voted secretly, how would it be possible for persons to go to a tradesman's shop and say, "We will take away our custom unless you vote so and so?"—We vote in that way for our guardians now; we go and put it in, and there is not half that spirit of opposition that there is at the election.

4254. Are those political elections?—Yes, they are; but still it is known after whom they vote for.

4255. They put their names to a list?—Yes.

4256. The name of the voter is written at the bottom of the paper, is it not?—Yes, and then they call the list and refer to the levy-book, and see whether the man has paid his rates.

4257. Suppose the name was not there?—I do not know how it could be done without that.

4258. Suppose

4258. Suppose you come to vote, and one clerk takes down the name of the person who votes, and another clerk receives the paper without the voter's name put to it?—When it is shown that he is qualified, then he goes to another; I should very much approve of that.

4259. How long after voting for the guardians of the poor is it known which way the man votes?—Sometimes a fortnight; they take time to count it up.

4260. Even that fortnight allows time for the heat to subside?—Yes, it does.

4261. Have you heard of the people withdrawing their custom from publicans or other tradesmen, in consequence of the vote they have given for the guardians of the poor?—I never heard of any man suffering for that, and I never did myself.

4262. Do the wealthier classes take any interest in those elections of guardians?—No.

4263. Was not there a contest some time ago, in which party ran very high upon the subject of these elections for the guardians of the poor?—Yes; there were lists published, the Blue list and the Yellow list; there is a list by the old guardians, and Russell, who is on the low party side, generally prints lists of others; they then take their names out of each list, and sign their names, and put all the names into one list.

4264. What do you call the low party, those on the Radical side?—Yes.

4265. The same class of people who intimidate the voters about the Parliamentary elections?—Yes; the people have meetings to themselves, and this Russell prints the names for the people of that party to go by, and many of them go round to many of the houses and give them, and we take the names from the lists where we like, and inclose them; I never heard that there was any injury done, though they distributed different lists, and canvassed, as it were, at the time for those guardians.

4266. Do the voters generally vote for the whole list, or separate them?—Sometimes they separate them; if I have three or four friends, I include them.

4267. Do they vote for the whole Blue list entire, or for the Yellow list entire?—Some do, and some take a few from one and a few from the other; I think there are more taken from each than there is of the whole.

4268. Did you take any active part in the contest about the church rate last autumn?—Yes, I did.

4269. It was a very warm contest?—It was.

4270. You were in favour of the church rate?—Yes.

4271. How did they vote upon that occasion?—By open voting; the same as the election; going into the room, and saying whether they were for or against the rate.

4272. Did not the poorer classes take a great interest in that contest?—Yes.

4273. The excitement was very great?—Yes, I think greater than at the election.

4274. Did not a considerable number of those who paid no church rates take a part in that?—Yes; they insisted upon voting.

4275. Many of those who were not voters took a great interest in fact?—Yes.

4276. Why was it they took such a strong interest if they did not pay rates?—Because Mr. Edmonds said, if they had not paid, they were liable to the rates.

4277. Suppose your neighbours, who were not such strong politicians as you, were able to conceal their votes, do you not think the lower classes would visit still more severely those whose votes were well known?—No, I think not. I never heard a word before the Reform Bill came up; that was the first that split the town in politics; then every little thing which occurs opens it up afresh.

4278. Supposing there were ten persons who voted for the Tory candidate, and were in consequence injured by their customers leaving them; and that, by the system of secret voting, those persons' votes were concealed, so that the lower classes could not tell how they voted, but that they know how you voted; do you not think they would carry the exclusive system against you?—Yes; particularly if their favourite candidate was in a minority.

4279. Would not that be a reason for their applying the exclusion more to you?—Yes; but if they got the majority, it sooner dies away.

4280. Do you think the operatives try to intimidate any of the voters, because they think that the wealthy customers also intimidate tradesmen?—No, I do not think that they do; for I never knew any respectable persons on the Tory side influence the voters.

4281. Do the bankers influence any of those who are under obligations to them?—They may, I dare say; I know one case.

4282. On which side?—Mr. Attwood's side, but not by Mr. Attwood himself.

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4283. Are there wealthy persons in the situation of bankers who try to use their influence as bankers, for the purpose of obtaining votes at elections?—I have heard talk of their soliciting, but to a very little extent, never to press any thing; I will give that to the bankers of Birmingham, I never knew them go to any length.

4284. Did the ladies go about in their carriages, canvassing for Mr. Spooner?—No; or they would sooner have been be-ladied.

4285. Had you any spirit in Birmingham when Catholic Emancipation was going on?—Yes; there was a great deal at that time; at that time there were many that I can see that have joined them that were quite against Catholic Emancipation; since they found they should be ruined they have joined that side, and are very strenuous.

4286. You say there are a great many who were on the opposite side in politics formerly, and were pretty strong on that side, who now take the popular side?—Yes, a good many.

4287. Then, does not open voting, as well as secret voting, make many hypocrites?—You can hardly call a man a hypocrite who does it because he would have been ruined; a man who is not strong will take that side to get custom; and there are hundreds whose heart is the same as mine, but join the other side because they shall be ruined if they do not.

4288. Is the priest you mentioned an Irishman?—I think he is.

4289. Are there a good many Catholic voters at Birmingham?—Yes, there are; if there is any meeting on church rates, the priest is sure to be forward, and he is the leader of all the rabble.

4290. Does he ever lead the Protestant rabble as well as the Catholic?—Yes, they all join him; the lower orders.

4291. Are you old enough to remember the riots in Doctor Priestly's time?—I was not at Birmingham; I lived at Nottingham at that time; I saw the military go out of Nottingham to Birmingham.

Martis, 23° die Junii, 1835.

CHARLES BULLER, ESQUIRE, IN THE CHAIR.

Mr. *John Hays Hatton*, called in; and Examined.

Mr. *J. H. Hatton.*
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4292. WHAT is your rank?—Chief constable of police.

4293. How long have you held that situation?—Nearly 13 years.

4294. What were you before you held that situation?—I was in private life before that for some time.

4295. Where do you live now?—At New Ross.

4296. You are a resident there?—Yes.

4297. Do you think it desirable, considering the state of Ireland, that the names of persons making reports to the constabulary should not be printed in the report of the evidence made to the House of Commons?—Really I do not see that it should not; I had rather it should appear, so far as I am concerned.

4298. For instance, those who make confidential reports to the Government, should you conceive that their confidence in making those reports would be shaken by having them, contrary to their intention at the time they made them, reported to the House of Commons?—I think decidedly; I never made any report; I did not consider I was justified in making, and that it was in my power to make.

4299. Are you aware that in many cases in Ireland, there is great difficulty in getting witnesses to give evidence, in consequence of the fear of vengeance from those against whom they might depose?—I am positive of it.

4300. Therefore, if the names of these persons who have given information to the Government were to be reported, the same fear would operate on their minds?—Certainly.

4301. And would probably deter them in future from giving reports?—Certainly it would.

4302. Would it excite distrust between the Government and its officers, and those individuals from whom the Government obtain information, if these reports were to be made public?—I think it would.

4303. Who

4303. Who were the candidates at the last election for the county of Wexford? Mr. Power and Mr. Maher, Mr. Redmond and Mr. Cliffe.

4304. Mr. Power and Mr. Maher are the two sitting Members?—Yes.

4305. Mr. Cliffe and Mr. Redmond were the two unsuccessful candidates?—Yes.

4306. Is Mr. Redmond a Catholic?—He is.

4307. Previous to the day of voting, are you aware from the reports you made, and from the reports you received, of any armed bodies going about by night to exhort voters to come in and vote for the popular candidates?—I am not aware of any armed bodies.

4308. By armed, it is meant armed with bludgeons, poles and sticks?—There were persons going about with sticks and poles by night, certainly.

4309. Did you not send to the Government a deposition taken before Edward Kough, deputy sovereign of New Ross, being the information of John Cody, of New Ross, in the county of Wexford, who was sworn, and deposed, "That on the night of the 14th day of January, a large mob, consisting of at least two or three hundred persons, having a tar barrel on fire and hurraing, came to informant's house on the quay of New Ross, and forcibly put the blazing tar barrel into the informant's house several times, uttering the most abusive language against the informant for having voted for Charles Tottenham, esquire; that informant, with some assistance, succeeded in preventing the mob from forcing the said tar barrel up to a puncheon of whiskey?"—No, I did not send forward that report. I sent a report of the circumstances, but not that. I believe that has been sent forward by Mr. Kough, the deputy sovereign. That was not my report exactly.

4310. Do you recollect on the 23d of January, a report being made to you by Joseph Sutliffe, dated New Ross, January 23d, 1835, in which he says, "According to your orders, myself and the party proceeded last night to Mr. Lambert's, and at the barracks of Cassagh, we heard some persons numbering off from one to five (saying, we will go). We immediately rushed to the place, and observed a great mob—desired them to stand—they made off, with the exception of eight we arrested, and brought to the barrack. I asked them what was their intention, or where they were going; the reply was that they were waiting for their governor, Father Barry, the parish curate; that he was in Cushingstown with another party. We went on to Mr. Lambert, and I reported the whole affair to him; he seemed not to think much of it, but ordered us there to-morrow night at an early hour, and to remain there the whole night; on our return home we met the same party, and they told us they were only going by the orders of their clergy to tell the voters of the country to be ready in the morning at four o'clock to go to Wexford, and that the cars would be ready for them at the Cross, I believe Ballinabola Cross. They were all armed with great long poles and staffs of every description." You recollect that?—I do; I was present when it was sworn.

4311. Do you recollect also an information of Henry Irwin, sub-constable of police, who was also sworn, and deposed, "That on the 22d of January instant, patrolling according to orders the roads in the neighbourhood of Carnagh, in the barony of Shelburne, in this county, he came up with a number of persons at the hour of 12 o'clock and after; that said persons were mostly armed with bludgeons, that they were counting their numbers, and subsequently made signals through the fields by whistling; that on coming up to a considerable body of these men, deponent called on them to stand, and demanded what they were about at that unseasonable hour; that some of those persons answered that they were waiting for their governor, Father Barry, who had gone to Cushingstown to collect voters." That is another deposition corroborating the former?—Precisely; that is all correct.

4312. There is also an information of Michael Kenaught, of Terryrath, in the barony of Shelburne, farmer, who being sworn, deposed, "That about three o'clock on the morning of Friday the 23d of January instant, a body of men came to his dwelling-house at Terryrath aforesaid, and called out, 'Old rascal, get up and come to Wexford to vote for Mr. Power and Mr. Maher;' that deponent refused to get up or go with them, when they threatened to break in the door; that deponent this day made an attempt to proceed to Wexford, for the purpose of voting at the election, but was forcibly driven back by a riotous mob; and that from the state of the country, and the furious excitement that prevails, he firmly believes that it would be attended with the greatest danger to him were he to attempt to go to Wexford to vote as he wishes to do."—I was present when he swore that information.

4313. Those cases have been referred to as a groundwork previous to asking you, whether before the last Wexford election, mobs of men, attended by a parish priest,

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priest, did not go about for the purpose of intimidating the voters into voting for the popular candidates?—They did.

4314. And you consider that that had the influence that this farmer, Michael Kenaught, swears to, that he was forced back by the mob, and could not vote as he wished on that occasion?—I believe so, the man stated and swore to it there.

4315. Do you conceive that a parish priest going round at 12 o'clock at night with the mob had the effect of intimidating the people with whom he went?—Several persons told me of the Catholic persuasion that it had that effect.

4316. What do you mean by the word "intimidation?"—That they were afraid to go forward.

4317. Do you mean they were intimidated by fear of physical violence?—That is what they gave me to understand.

4318. Now, according to your experience, would not large bodies of people going about with bludgeons and sticks at night have the effect of intimidating the voters?—I think so.

4319. Did you ever hear any explanation of this given by the friends of the popular candidate?—Not to my knowledge.

4320. Did you ever hear it said that these people were going about to tell the voters that conveyances would be provided for them in the morning?—I am not aware that I did.

4321. Do you not think that it is very probable they might have gone for that purpose?—They might.

4322. Supposing a party of men, who were eager for the popular candidate, going about at night giving this very useful information to the voters, do you not think, as a matter of prudence in that country, they would naturally take the precaution of arming themselves with sticks?—I do not know that it would be absolutely necessary; I do not know that any body would prevent their going round if they wished it at any time.

4323. Do you not think, in that part of Ireland, during the period of a contested election, men of prudence, walking out at night through the country, would generally take such a precaution as having a stick in their hand?—They mostly carry sticks, they very seldom go without them; but it was the number of persons assembling caused me to make a report of it.

4324. You inferred nothing from the mere circumstance of their carrying sticks, that being their habit?—That is generally their habit.

4325. You say, a man generally, when he goes out, carries a stick in his hand?—I should not mind four or five persons going about in that way, but they were in numbers.

4326. What should you suppose the numbers were on this occasion?—It was stated to me there were a hundred persons.

4327. Do you consider a hundred persons, armed with sticks, necessary to carry a message round at night?—Decidedly not.

4328. What do you consider was the object of Father Barry, and the mob who went round on this occasion, and visited the house of Farmer Kenaught?—To warn them in.

4329. Do you consider it necessary that a mob of a hundred persons, armed with bludgeons, and headed by the parish priest, is necessary to carry a message at twelve o'clock at night?—I do not.

4330. Do you not think it probable, that if a number of people, eager partisans of particular candidates, were assembled, that they would go together to give the voters such information?—Yes, I think they would.

4331. Do you recollect that it is stated in two of these depositions, first in the deposition dated January 23d, and signed by Joseph Sutliffe, that the people who called on these voters, or who were seen by him, "told us, they were only going, by the orders of their clergy, to tell the voters of the country to be ready in the morning at four o'clock to go to Wexford, and that the cars would be ready for them at the Cross;" are you aware that that is stated in the deposition?—I am.

4332. Have you any reason to disbelieve that statement?—No, I have not.

4333. Are you aware that that is confirmed in the deposition of Henry Irwin, sub-constable, where, it is said, "that some of these persons answered, that they were waiting for their governor, Father Barry, who had gone to Cushingstown, and was coming back immediately; that he, the said Father Barry, had gone to Cushingstown to collect voters to poll for this county; that on being asked what they meant by that, they said for Mr. Maher and Mr. Power. Deponent further

saith, that those persons told him, that they were the party appointed to warn the voters to attend at four in the morning, and that there were other parties similarly employed in other directions?"—Yes.

4334. Do you consider, that danger might have arisen to the public peace from such a large body of men going round at twelve o'clock at night?—I think there might.

4335. But do you wish the Committee to understand, that you have any reason to infer, that such must have been their object?—To disturb the peace?

4336. Yes?—I think their object was to collect the people to make them vote.

4337. Do you think it is impossible, from the circumstances, that they could have gone about without intending violence?—I think, certainly, from what I afterwards saw; from subsequent acts I should say so.

4338. From that particular circumstance should you infer that those people intended violence?—A great deal of that will depend upon circumstances.

4339. Is it not your opinion, that in these cases, where they went about armed, that it was to influence the voters with a view to the next day, and not merely to warn them in?—I think they did.

4340. Do you not think the priests accompanied them, in order that they might have a greater influence than the mob alone?—Yes.

4341. Do you not believe, that they carried the sticks about for the purpose of intimidation, and not of protection?—They are always in the habit of carrying sticks.

4342. It is stated, that they were long poles?—Long poles they do not carry, unless they are driving cattle.

4343. Did they carry them, do you think, for the purpose of intimidating the voters, or of protecting themselves?—Perhaps both, I certainly think both; that is, if they met with opposition they would use the sticks and clubs.

4344. When you use the word "influence," you did not mean necessarily the influence of physical force, did you?—Certainly, that force was used in some places.

4345. You say, you believe the priests went round with them in order to influence the voters?—Yes.

4346. You do not mean that the priest went round to influence them by physical force?—That is, to force them against their will.

4347. By mere brute force?—No, I do not say that.

4348. You mean to say, that the priest, accompanying the mob at twelve at night, and going round to the different voters to desire them to come in and vote for the popular candidates, added his influence to the intimidation of the mob. You have already stated, that it is unnecessary in that part of the country that there should be a mob of a hundred persons to carry a message; you state there was a mob of a hundred persons went round at twelve at night, headed by the priest; and the question you are asked is, did not the presence of the priest add his influence to the intimidation of the mob?—Decidedly it did.

4349. But the influence of the priest is that of his religious character and station, is it not?—It is.

4350. A priest is not a stronger man than other people, is he?—He has more influence.

4351. But not the influence of physical force. When you talk of the influence of the priest, you do not mean that the priest went to influence them by physical force, being a stronger man, but that he went to use the influence of his religious character?—Yes.

4352. And do you not think that the influence of his religious character produced greater terror than physical force?—I believe it would.

4353. Do you believe in this case, that these voters would themselves have wished to vote for the popular candidates or against them?—I am inclined to think from what I heard, that they would have voted according to the wishes of their landlords, from what I heard passing among themselves prior to the election.

4354. You made a deposition or gave information at New Ross, before James Green, esq., one of His Majesty's Justices of the Peace?—Joseph Green.

4355. And the effect of that deposition was this; that on Friday, the 23d day of January instant, you accompanied John Edmund Redmond, esq., Justice of the Peace, to Carnagh, in the said county, for the purpose of escorting freeholders to the contested election of Wexford, and were aided by a serjeant and eight of the 9th Lancers for Taghmon, and one mounted policeman; that after some delay at Carnagh, you took in charge some freeholders, and proceeded with them (in jaunting cars) to Ballinabola, escorted by the force before named, where you, with the free-

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holders, Lancers, and mounted policeman, arrived at about a quarter past 3 P. M.; that you were with John Edmund Redmond, esq., in his phaeton, and in front of their cavalcade, which halted at Ballinabola in order to take up more freeholders: that about 12 freeholders were taken in charge at Bryan's public-house, in the village of Ballinabola, which was done with considerable difficulty, in consequence of a mob, about 40 in number, who were standing in and about the public-house armed with sticks, who refused to allow you and Mr. Redmond to get near the door until menaced and driven away by the Lancers?—Yes.

4356. You then state, that the same freeholders "were, as you were informed and believed, about to vote for Redmond and Cliffe at the contested election. Before all the freeholders had seated themselves in the jaunting cars, the mob increased to about 300; some of them had sticks in their hands and others stones. One individual was armed with a hammer used for breaking stones; that when the freeholders were placed in the jaunting cars, you got into Mr. Redmond's carriage, from which he had alighted, and were all about to proceed to Wexford; the mob shouted and rushed in a furious manner to the cars, from whence they dragged the freeholders, and the heads of the horses were turned round, persons in the cars were dragged off, and some shoved over the ditches. At this moment the conduct of the mob was most tumultuous, violent and alarming; fearing lives would be lost, you, with J. E. Redmond, esq. jumped out of the phaeton, and with pistols, run up to where some of the Lancers were, and the Proclamation under the Riot Act was then read by J. E. Redmond, esq., which, instead of forcing the mob to disperse, made them more outrageous; they struck the horses of the cars with sticks, beat the drivers, broke some of the cars and harness, also threw the Lancers into confusion, got between them and the cars, and finally fearing bloodshed, you desired the Lancers to let go the cars and freeholders, and protect themselves by retreating to the police barrack of Ballinabola, which they did with much difficulty, the mob following, shouting, flourishing sticks, and saying, 'Down with Redmond, the Orange Catholic! Down with Redmond and the Tories! Luttrel Lambert, if we had him here!' together with other violent expressions, which you cannot now recollect. You then seized Francis Hanlon, who appeared one of the principal leaders of this outrageous mob, and lodged him in the police barrack, on which occasion you were pulled about. You then apprehended three other persons, but they were rescued by the mob, who ill-treated you and wounded you in the finger. You then apprehended a fifth, on which you, with the prisoner and the sub-constable, Peter M'Evily and James Walsh, were dragged in a most violent manner towards Bryan's public-house, and by the assistance of the Lancers, the prisoner was lodged by you in the public-house; at this time the mob became doubly violent, and demanded the prisoners to be given up, which was refused. Fearing serious consequences, you requested Mr. Redmond to do his duty as a magistrate and protect you, on which he again read the Riot Act, and said he should do his duty. He then ordered the Lancers to prime and load, which was instantly complied with: this, with a person who had just arrived having stated that the popular candidates, Maher and Power, were considerably ahead of their opponents, caused the assembly to become less violent, on which several prisoners were apprehended. You then state, that Martin Cagly, Simon Kavanagh, William Wafer, Martin Wickers, John Doyle, Matthew Doyle, John Doyle, Alexander Roche, Nicholas Whealan, Patrick Fowler, Edward Walsh, and James Keogh, with Hanlon and others, were there in that tumultuous, riotous and unlawful assembly." That is your deposition sworn before Mr. Greene?—It is.

4357. Then without troubling the Committee by reciting the other deposition, there is an information of Samuel Taylor, serjeant in the 9th Lancers, and that deposition is to the same effect as that which you gave?—It is.

4358. So that the military were dispersed by the mob when attempting to protect the voters coming to Wexford to vote for Redmond and Cliffe?—They were.

4359. How many voters were in the cars at the time you were so impeded?—I think 16 or 18.

4360. Had they been prevented the day before from coming up?—I understood so.

4361. They had been prevented when they were coming up without the aid of a military force?—I was told so by one of themselves.

4362. So that it became necessary, on the following day, to have a military escort to bring these people up to the poll?—I believe so.

4363. Could you, without bloodshed, have brought these voters to the poll?—We could not, or by shedding blood either.

4364. What

4364. What was the number of the mob assembled?—About 300.

4365. And were they in the first instance concealed behind the houses and walls?—Yes; there were not more than 40, it appeared, at first.

4366. They rushed out simultaneously?—They did.

4367. And did they force the men out of the cars?—They did; they forced some of them away; there are five roads there, and they brought them off different roads.

4368. And those men, to the best of your belief, were unable to vote at the election?—I believe they voted after at the election, the following Monday, as well as I can understand; some of them told me so.

4369. Mr. Redmond is a Roman Catholic, is he not?—He is.

4370. And his brother is a magistrate of the county?—He is.

4371. Now, subsequent to the election, has it come to your knowledge, or have you made any report to the Government of any violences committed by any individuals upon the persons of those who voted against the popular candidates?—Yes.

4372. In what manner have they been visited with the vengeance of the populace?—Some of them were assaulted, and others were ill-treated, at the chapels where they went to mass.

4373. When you say they were assaulted, you mean they were violently beaten?—They were.

4374. Because there are reports to that effect, are there not?—Yes.

4375. As to the ill-treatment in the chapel, were not some of them thrust out from the chapel in consequence of having voted against the popular candidates?—I do not think they were pulled out, but their seats were pulled up and broken; and there were notices posted, calling on the people not to work for them. They came to me, and complained about it.

4376. Do you recollect that at that election there was a placard posted up in Wexford, signed "Daniel O'Connell?"—In Ross; I do not recollect it in Wexford.

4377. It was addressed to the men of Ross, and to the men of Wexford?—It was; it was in Ross I saw it.

4378. Is this one of the placards of the same description as those which you saw?—[*Showing a printed Paper to the Witness.*]—It is.

4379. In this placard are these words used:—

"Let them take down and publish in their parishes the names of any, if there be any, traitors to Ireland.

"Let there be no violence, no force, no outrage. One single act of violence, force or outrage would ruin our cause, and give a triumph to our enemies.

"I therefore conjure you, in the name of the God of Peace, to injure no man by any species of force or violence, or outrage whatsoever.

"But post up the names of the traitors to Ireland: let no man deal with them—let no woman speak to them—let the children laugh them to scorn.

"Miserable traitors, and doubly traitors if they ever pretended to be honest!!"

Do you recollect that these placards were posted up during that election?—I do.

4380. Now you have stated also that the priests had interfered in that election by placing themselves at the head of mobs which went about at night?—In the county of Wexford.

4381. Was it reported to you that Mr. Barry, a Roman Catholic curate, advised his people to pay no rent or tithe, if required to pay tithe with rent? the priests were ready, it was stated, to stand by the people?—It was.

4382. Were any explanations given of what the bribery oath meant, and that it was perjury if they voted against their inclination?—It was; and notices were posted up to that effect.

4383. Was it reported to you that, at the chapel of Terriaght, Mr. Barry, the Roman Catholic curate, in addressing his congregation, said that several of the Tory landlords had signified their intention to have tithes paid with rents; and he would desire him not to pay either; and that cheers accompanied this information?—That was prior to the election.

4384. Immediately before the election?—Immediately before the election.

4385. Did he say that the time had arrived, that if the landlords attempted coercion, the priests were ready to stand by the people, who were seven to one; and where was the force that dared come forward and oppose them?—It was so reported to me.

4386. Without mentioning any person who reported that to you, was he a Protestant or a Catholic?—A Catholic.

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4387. Was he a person of considerable station in the county?—He was a respectable person.

4388. Have you any reason to doubt the accuracy of his statement?—Certainly not.

4389. Do you place confidence in those reports made by him, he being a Catholic?—I do.

4390. Do you consider that an election in Ireland, in the county of Wexford, can be carried on with perfect fairness under the system which has been elicited from you during the course of your examination; that is, the system of intimidation which prevails in Ireland?—If the same means that were used on the last occasion were resorted to, it could not.

4391. Do you consider that this means of intimidation would be diminished if the number of polling places were augmented?—I think so, considerably.

4392. What is the greatest distance that any individual has to walk, in order to give his vote at Wexford?—I dare say some more than 30 English miles; some, I dare say, 30 English miles.

4393. Do you consider that, if a voter were permitted to give his vote in writing, in the presence of a magistrate, for any given candidate, instead of going to the poll, the intimidation which now prevails in Ireland might be diminished?—I think it might.

4394. Does not a man now, who votes against a popular candidate, incur a considerable risk of being insulted or injured?—He does.

4395. Have you any suggestions to offer to the Committee as to the mode by which this species of intimidation might be prevented, other than by augmenting the number of polling places?—I would recommend that, in the first instance. I am not altogether prepared with any suggestion at present; but I have made some memorandums, and if I could refer to them I might be able to do so. There are many, I should think, and some of considerable importance.

4396. Could you mention any that you would offer to the Committee, as a means of placing elections on a fairer system than that which is now pursued in Ireland?—I think all interference should be prevented, and the voter left to himself.

4397. Are you clear, that increasing the number of polling places would diminish the intimidation?—I think it would.

4398. Do you not think in Ireland, the mob being dispersed and headed by Roman Catholic clergymen, would have as much influence as in one place only?—I think not.

4399. You said that there were great exertions against Mr. Redmond, and at the same time that he was a Roman Catholic candidate?—Yes.

4400. In consequence of what was that opposition, do you think?—I believe Mr. Redmond, on a former occasion, in a speech in proposing or seconding one of the candidates, said something obnoxious to the Roman Catholic clergymen of the county. He made some allusion about a clerical borough, which appeared to give general annoyance.

4401. Is Mr. Redmond considered a good country gentleman, and a desirable member in other respects?—I believe so; he is a very excellent man. I cannot say whether that was decidedly their objection, but I know he made use of some expressions which appeared to be very offensive to the Catholic priesthood.

4402. Do you not believe that Mr. Redmond's politics are not so popular with the mass of voters as those of his opponents?—Certainly, I believe they were not.

4403. Now you have spoken with respect to these proceedings of armed bodies of men who went round the country, and you have stated that they caused intimidation; can you give the Committee any instance in which, previous to the election, any actual personal violence was offered by those bodies?—Yes, I can; Mr. Brownrigg told me (and he was a freeholder of the county) that he was stopped, and several others complained that they were stopped and driven back.

4404. From voting?—Yes.

4405. But before the election commenced?—I do not recollect any before the election.

4406. The outrage which you have mentioned, the assault upon the freeholders whom you were carrying up to the poll, is the only considerable one that occurred in that election that you recollect?—Yes, that came within my own knowledge.

4407. The question is this: in your official capacity at that election for the county of Wexford, were you aware of any other considerable outrage by which freeholders were prevented from coming to the poll?—Not to that extent; I heard of other outrages, but nothing like that; nothing so serious.

4408. You

4408. You went, on this occasion, to bring these voters to the poll, under the command of a magistrate of the name of Redmond?—Yes, I did.

4409. Is that magistrate any relation to the candidate?—He is a brother.

4410. Is it the practice for the police and military to go with the friends of the candidates, supposing them to be magistrates, to bring up voters to the poll?—No, I do not know that it is; it is any magistrate who may come.

4411. Is it the custom for the military and police to go with the magistrates to bring up voters to the poll?—Yes.

4412. On these occasions, do the police and military take pains to inquire whether the voter goes up with his own consent?—I always make it a point to do so; I always have done so.

4413. Now on this occasion, did you take pains to inquire whether all these 16 or 18 men were perfectly free agents?—They were in the house protecting themselves against the mob outside, and as soon as I obtained admittance I cautioned any freeholders who wished for protection, who were going to vote for Mr. Redmond and the other candidate, to assemble themselves; I told them we had come there for the purpose of protecting them to Wexford. The men were then in a room, and they stood up two by two, and fell in two deep in fact. I then again put the question to know whether they required protection, and were ready to go; they said they were, and I marched them out to the cars, and put them on.

4414. Was the landlord of these voters, or any of his agents, there at the time?—No. I believe John Burn, who was an agent, was present.

4415. He was one of the voters?—He was one of the voters, and I believe he has acted as agent; and I have reason to know that he has. He has acted as agent to Mr. Lambert, whose tenants they were.

4416. This Mr. Burn is the agent of Mr. Lambert?—Yes.

4417. Not the election agent?—No; I believe he receives his rents and transacts business for him.

4418. Did you ever hear whether these men voted subsequently or not?—Some of them never polled.

4419. Are you aware how many of them polled?—I have heard there were 10 or 12. I met John Burn in Wexford on the following Monday, and he told me that he had polled.

4420. For whom had he polled?—I said, "I wonder you came in, John;" and he said he had come in and voted for Mr. Maher and Mr. Power.

4421. This was on a subsequent day?—Yes.

4422. Did you understand that a considerable portion of those voters did, on a subsequent day, poll for Mr. Maher and Mr. Power, the popular candidates?—Burn told me that a portion of them had.

4423. Have you any reason to believe that, on that occasion, any violence was exercised by the mob to induce them to vote or bring them to the poll?—Burn told me there was, and that he was afraid not to come forward and vote for the popular candidates.

4424. Did he tell you what his fears arose from?—He told me people had been with him.

4425. But did you hear of any violence being used towards these voters subsequent to the day on which they were stopped?—I did not hear of any violence; I heard of people going to them.

4426. Did you hear of any threats of personal violence?—Burn told me that there were.

4427. Threats of personal violence?—Burn told me so.

4428. Have you not already stated that violence was used in dragging them off the cars, and forcibly taking them away?—Decidedly.

4429. You saw the occurrence on one day in the presence of the troops, and you saw the necessity of having the troops to assist, because on the previous day, when attempting to come to Wexford to vote, they were impeded and driven back; in consequence of that, the second day they were escorted by military, and on that occasion a mob of 300 or 400 or 500 persons suddenly rushed out, dragged them from the cars, and prevented them from voting?—I wish to correct part of that statement; I do not say all of them were obstructed before, but part of them.

4430. At the time this violence occurred, these people were under escort of the police and military?—They were.

4431. You said that the priest used considerable influence at this election?—He did.

4432. In what does the influence of a priest, more than any other person at

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elections, consist?—I have always heard that they have considerably more influence than any other individual.

4433. With persons of their own religion?—Yes, I always heard so.

4434. You attribute that influence to their religious character and station?—I do.

4435. Do they not in general agree with the greater portion of the constituent body in political sentiments?—I think with the greater portion they do, but not with all.

4436. You say that Mr. Redmond had, in a speech at the hustings, insulted the priests as a body?—He had made some allusions to them, which I knew from several Roman Catholic clergymen very much offended them.

4437. And you believe those insults had led to irritation in the minds of the priests?—I believe so.

4438. Are you aware of the purport of his language which caused them to be offended?—Yes.

4439. State it?—He said he would never consent to the county of Wexford being made a clerical borough by the priests.

4440. He began the attack on the priests?—He certainly began there.

4441. As long as the priests are reverenced by the people of the same religion on account of their sacred character and functions, do you suppose it possible for any legislative measure to prevent their having an influence on the minds of the people?—Indeed I do.

4442. Do you not think the mere wish and advice of the priest would always have great influence with the voters?—I think it would have influence, but not that influence which would decidedly carry away the voters; I think unless they came forward or interfered personally, it would not. I do not think that exhortations, or any thing of that kind, would have so much effect.

4443. Will you tell the Committee what peculiar modes of exercising their influence the priests adopt different from those used by any other person, exhorting and advising and endeavouring, by moral means, to induce people to comply with his wishes; for instance, in persuading the people to vote for a particular candidate, how does the influence of the priest differ from that of a popular country gentleman?—I think as to the bribery oath, that their explanation of an oath has a great effect upon the people. A placard headed "The Sanctity of an Oath" was posted, and it seemed to me to have a considerable effect on the Roman Catholics.

4444. But however noxious you might think such an influence, do you not admit that it is not an influence of physical force, but one which we should call a moral influence or a mental influence?—A spiritual influence.

4445. It is no influence of physical force?—It is not, certainly.

4446. You said just now that the presence of the priest excited terror in the minds of the voters?—I know it did.

4447. What species of terror; what do you think the people apprehended from disobeying the priest?—Several Catholics told me that they thought they could not safely take the bribery oath.

4448. But what did they apprehend from the priest?—That they could not safely take their oaths; I could show you the explanation of an oath given by the Roman Catholic clergy; I have one of their placards, which appeared to me to produce very considerable effects.

4449. What evil do you suppose the Roman Catholic voters apprehend as a consequence of disobeying their priests, or voting against his wishes?—That of committing a very serious crime, perjury.

4450. You just now mentioned you could state the explanation of the bribery oath given by the priests, by means of which they sway the people at the election; have the goodness to state to the Committee what that construction of the oath is?—I have it here, and I will hand it in.

[*The printed Paper was put in, and read.*]

"THE SANCTITY OF AN OATH.

"The doctrine of the Catholic Church teaches that the elector is bound in conscience to support the candidate whom he disinterestedly and dispassionately judges to be more worthy of trust, and who will more promote the public good; this is obvious, as the franchise is given, NOT *for his own private advantage, but for the good of* the community.

"Every oath ought to be taken in truth, justice and necessity! and any oath taken *in order to commit* a sinful act, is a profanation of its sanctity!

"From those doctrines, these consequences evidently follow:

"Any person who votes for the candidate whom he believes less worthy and *less calculated to advance the general good,* is guilty of sin, because he commits an act of injustice against the public interest.

"Any

"Any person who swears, though his oath be true, in order to enable him to give such a sinful vote, *adds to the act of injustice* the crime of gross profanation! because he invokes the holy name of GOD for the purpose of violating a moral duty, which violation is condemned, or ought to be condemned by his conscience.

"According to the terms of the bribery oath, it is obvious that any person having received, or had *directly or indirectly* any gift or reward, or any promise for any money, office or employment, in order to give his vote at an election, cannot swear in truth; and if he do swear, he calls upon the holy name of GOD to bear testimony to a falsehood, and is guilty of the horrid crime of perjury!

"*William Brennan, James Crane, Patrick Murphy, John Furlong, Francis Doyle, George Chapman, Patrick Kelly.*"

4451. You said just now you thought all interference at elections ought to be prevented?—I think so.

4452. Your expression was that a voter ought to be allowed to vote as he wished?—Perfectly independent, that is my idea.

4453. Do you think a voter ought to be influenced by his landlord or by his customers, by the terror of losing land or custom, in consequence of voting against their wishes?—I think not.

4454. Now, is not there considerable intimidation exercised by the landlords in Wexford over their tenantry, to induce them to vote as they wish?—I believe there is.

4455. Have you heard of any instances since the election of tenants who had voted against their landlords having notice to quit, or being turned out of their estates?—I have.

4456. Have there been any instances in which the police or military have been called in to eject a tenant so turned out?—Not in my district; I have not heard of any instances in the county; it has not come within my knowledge.

4457. Then the tenants of whom you speak as having been thus served with notice or ejected, quitted quietly?—I have heard of notices being served, but it has not occurred within my district; it is in another part of the county altogether; I merely speak from report; it has not come within my knowledge, and I cannot say any thing of the kind has occurred in my district; I am speaking of the county; but as to the borough of Ross, I know there has.

4458. Do you recollect the election at the borough of Ross?—Yes.

4459. Do you recollect any instance of a landlord threatening his tenant because he had voted for the popular candidate?—I heard so.

4460. Were you present at the time?—I was not.

4461. Was it notorious?—It was so stated; it was stated he could not give him a lease of some premises he had built on.

4462. In consequence of his vote?—In consequence of his voting against his wishes.

4463. Some premises that he had built on?—That he had built on.

4464. On the faith of getting a lease?—Yes.

4465. Did he state that at the poll?—No; I heard the report; I do not speak from having witnessed the transaction, but I heard it generally stated in the town.

4466. Do you believe it?—I do.

4467. Do you not think that if the landlords were to cease all interference with their tenants to induce them to vote according to their wishes, that the other party would not have recourse to that intimidation by means of mobs of which you have spoken?—I really cannot take upon me to answer that question; it would be merely surmise.

4468. Do you not believe that the intimidation practised by the people and by the priests is very often used to induce voters to vote against their landlords generally?—I know from my experience that it requires a good deal in most instances to force tenants to go against their landlords; I know it does, for I have had it from themselves; they have stated to me that they wished to go with their landlords generally.

4469. Do you not believe, as a matter of opinion, that this intimidation on the part of the mob and priests is meant to counteract the influence of the landlords?—I fancy it is.

4470. Do not in general the tenantry, whether Protestant or Catholic, wish to go with their landlords?—I think they do, and I have heard an honourable Member here allude to it, that a Protestant voted for him at the last election. I think every tenant, if he has not a very bad landlord, would wish to go with him.

4471. Did you not find in the Wexford election, that Roman Catholics of influence

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ence gave their votes to the unpopular candidates? for instance, Mr. Redmond's relations were many of them Roman Catholics?—Yes.

4472. For whom did Mr. Lambert's tenantry vote?—At first Mr. Lambert's tenants, as I understood from Burn, who mentioned the circumstance to me on my way to Wexford, intended to vote for Mr. Redmond.

4473. Now, you have stated that some of those individuals who voted against the unpopular candidate have been insulted and beaten since the election; were these generally Roman Catholics or Protestants?—Both.

4474. Which is most visited by vengeance in consequence of his vote, the Roman Catholic or the Protestant?—The Catholic.

4475. The Catholic is considered in the light of a renegade?—He is called in words a traitor.

4476. You stated in regard to the influence the priest has over the minds of Catholics, that they have a great fear of perjuring themselves by doing any thing contrary to the bribery oath?—Yes.

4477. You are asked whether the fear of not obtaining absolution, or not being received favourably within the pale of the church, and of being insulted on going to chapel, has not that effect also?—I believe it has a powerful effect.

4478. So that on religious grounds they fear to do any thing contrary to the wishes of the priest?—Yes, they do.

4479. Generally speaking, in Ireland, exclusive of the bribery oath, and coming to generalities, is the breaking of an oath very much feared by the lower classes?—In some instances it is not much feared.

4480. Has the moral fear of not stating the truth when under an oath, a very strong effect in Ireland more than in England or Scotland?—I think not.

4481. Then the oath which is so sacredly kept by the Catholic, is an oath imposed on him during the election, and he observes that more sacredly than on general occasions, when it may relate to the custom-house or the excise?—I think in that case it is so.

4482. Therefore, where the priest exercises an influence for electioneering purposes, the sacredness of an oath is observed by the people, but on ordinary occasions, where it may be a matter of excise or customs, or a trial before a court of law, the same sacred and moral adherence to their oath is not so religiously observed?—I think if the same pains were taken by the Roman Catholic clergymen to explain the nature of an oath on other occasions, it would have the same effect.

4483. Do you know any cases in which, immediately previous to the election, the parish priests have explained to the people the necessity of their voting for the popular candidates, and denounced those as traitors to their country who would not?—It has been so stated to me.

4484. By official reports?—By official reports.

4485. Have you reason to put faith in those reports?—I have; they came from respectable persons, confidential sergeants and others, Roman Catholics.

4486. You have already stated that with respect to those of the Roman Catholics who voted against the popular candidates, their pews or seats in the chapel were pulled down and destroyed in consequence of their having so voted?—That certainly occurred in my district in two instances.

4487. You have no doubt as to that fact?—I had it from the lips of the Roman Catholics themselves; they came to me to complain of it.

4488. If a man votes for the unpopular candidate, or against the interest of the priest, in the very chapel where the priest is performing divine service, the pew of the individual is pulled to pieces, and he himself insulted?—I do not know whether the priest was in the chapel or out of it at the time; he was there either shortly before or after; I will not take upon me to say whether he was present at the act or not.

4489. Have you any doubt as to the fact that Father Barry, the parish priest, put himself, at twelve o'clock at night, at the head of a mob of a hundred persons?—I have no doubt of it.

4490. But you have not heard of any act of personal violence committed by that mob, at the head of which Father Barry was?—Nothing more than forcing the freeholders away.

4491. Nothing more than what you stated before?—Nothing more than that; I heard that they forced some people out of their houses.

4492. You said you thought a voter ought to be left to himself, free from the control of the priests and the populace, on the one hand, and the landlord on the other?—I think a man ought to be left to his own conscience to do as he pleases with his vote.

4493. If

4493. If this expedient was adopted, that the elector should hand in the names of the persons for whom he voted, in writing, under the superintendence of a magistrate, that magistrate would of course have cognizance of the vote, though the populace would not?—He would.

4494. And the intimidation of the populace would be then counteracted?—I think it would.

4495. But the intimidation of the landlord would not be counteracted, because the magistrates might convey to the landlord intimation of the manner in which the tenant voted?—That would depend on the feeling of the magistrate. If he acted fairly, he would not.

4496. But it might be the case?—It might be the case.

4497. Therefore, while by this expedient the power of the populace would be at an end, the power of the landlord might not be at an end?—In either case it might not. It would depend, in my humble judgment, on the magistrate that presided. If he acted fairly, he would not communicate it to either.

4498. Do you not think the vote by ballot would be better; because in that case no one would know it but the voter himself?—It would prevent any body from knowing.

4499. Your suggestion is, that the voter should hand in the names of the candidates for whom he wishes to vote, written on paper, to the magistrate?—Yes.

4500. The magistrate would know it, and the people would not?—The magistrate would know it, and the people would not.

4501. Would it not be better that neither people nor magistrate should know it?—I think it would be better that neither people nor landlords should know it.

4502. What is the use of the magistrate knowing it?—Merely for the purpose of taking the vote.

4503. Suppose that the voter, giving in the names of the candidates for whom he wished to vote, were to fold the paper so that the magistrate could not see the names, and that the magistrate were to put it into a basket or a box, and after that the paper should be examined; in that case neither the magistrate, the landlord, nor the people would know how the man had voted?—No, certainly not.

4504. Do you not think that would be an improvement?—Indeed I do. I think it would be a very fair mode of proceeding.

4505. Do you not think that Mr. Lambert's tenants, if left to themselves, would have voted for the popular candidates if Mr. Lambert had not interfered at all?—I certainly think if they had been left to themselves, they would have gone with their landlord, from every thing I have heard.

4506. If the landlord had stood neuter, how would they have voted?—My motive for saying they would have gone with their landlord is that, on a former occasion, Mr. Lambert himself was absent, and those very tenants voted for the unpopular candidate.

4507. But though Mr. Lambert was absent, his agent was present?—His agent was present.

4508. Mr. Lambert therefore had a representative?—He had, in the agent; and that very agent was the man who was coming with me on that occasion, and afterwards voted for Mr. Maher and Mr. Power on the following Monday.

4509. If Mr. Lambert had not interfered at all, do you not conceive that these people would have voted with the popular candidates, under the influence of the popular feeling?—Under that influence, I think they would.

4510. You think the influence of the landlord would turn the scale?—I think it would.

4511. And therefore the voter would not be left to himself?—Yes; I have always heard from the tenants they wished to vote for their landlords, as they looked to their own comfort.

4512. The priest employs the bribery oath by way of intimidation?—He does.

4513. The landlord can resort to the notice to quit?—He can.

4514. Do you not think the landlord is much better provided with instruments of influence than the priest?—There is powerful influence on both sides.

4515. But the ballot would put an end to both?—I think it would.

4516. Were you present at the election at Ross?—I was.

4517. Were you present at one of the booths where a landlord threatened his tenant if he did not vote with him?—No; I never heard a tenant threatened at a booth.

4518. Did you never hear a landlord threaten a tenant at Ross?—I heard of it,

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it, but I was not present. I have no hesitation in naming, that I heard Mr. Trotman threaten a tenant.

4519. Did the tenant tell you that he threatened him?—He did not.

4520. Did Mr. Trotman tell you he would inflict vengeance on his tenants?—I heard Mr. Trotman say, that he would not give leases to those who voted against him.

4521. Though they had built upon the ground, on the faith of Mr. Trotman's own engagement?—I am not able to say whether it was on the faith of his engagement or not; I should suppose it was.

4522. When a man builds on ground of which he has no lease, have you any doubt that he relies on his landlord to grant him a lease?—I have no doubt of it.

4523. Do you know of a wall belonging to Mr. Edmund Hay having been thrown down by Mr. Trotman during the election?—No, not thrown down, but I know of a wall being built.

4524. Are you aware of any thing having been done to that wall in consequence of the election?—There was a wall built through the end of his yard, and through part of his kitchen, and he took possession of it.

4525. Mr. Trotman?—Yes.

4526. At the election?—Prior to the election a day or two.

4527. Was it done in relation to this election, do you believe?—I think it was; he had been in arrear for several years, and there had been an ejectment; Mr. Hay had encroached on part of Mr. Trotman's premises, and the ejectment was for that part.

4528. Are you aware of any Protestant clergyman having used any influence at the last election among the Protestant tenantry?—Nothing that came within my own knowledge.

4529. Does the Orange Society exist in the county of Wexford?—It does so, I have heard.

4530. Do you not believe that the Orange Societies interfere in elections?—I think they do.

4531. Do you not believe the Orange Society interfered in the last Wexford election?—I believe they did.

4532. And if the Orange Society, which is a powerful organized body, makes use of exertions on one side, do you not think it very natural that their political opponents should endeavour to counteract them by exertions on the other side?—I think so.

4533. Have you not known that Roman Catholics, when they have by any means whatever lost their franchise, and are therefore not called on to vote either by their priest or landlord, rejoice in that deprivation of their franchise?—I have heard a number of them say so.

4534. Have you not heard some of them lament the possession of the right of voting as an evil to themselves?—I have.

4535. Are you aware that about 50 of the tenants of Lord Crewe who had promised to vote against the sitting Members, were by the influence of the parish priest, who is a friend of Lord Crewe's, carried off to Wexford, placed in a distillery there, and kept shut up till the time came for their voting, when they voted against their landlord and in favour of the sitting Member?—I do not know what promise there was between the tenants and their landlord, but I know they were there in the distillery.

4536. What were their numbers?—I heard there were about 50 of them.

4537. And whose tenants were they chiefly?—Lord Crewe's.

4538. What are Lord Crewe's political feelings; are they the same as those of the sitting Members?—He is a very liberal man, a Whig.

4539. Is he supposed to be in favour of the sitting Members, or of the defeated candidates?—So far as my information goes, it leads me to believe he was favourable to Mr. Redmond, but not to any body else.

4540. But notwithstanding this, the men were taken to the distillery, and voted for the sitting Members?—I understood they did.

4541. Did you hear any thing of the priest having gone out at night, and having used his influence to coerce these persons to vote against the wishes of their landlord, in favour of the sitting Members?—Yes, it was so reported to me by my sergeant.

4542. You alluded before to Mr. Lambert's tenants having voted on a former occasion for the unpopular candidates?—I did.

4543. What had been the politics of Mr. Lambert?—Extremely liberal.

4544. What

4544. What are Mr. Redmond's politics?—The same.

4545. Therefore this case of Wexford is not the case of Protestant against Catholic, but it is the case of individuals supported by the priests carrying an election against the Catholics, who have been deprived of that influence?—It is.

4546. What are Mr. Redmond's politics?—Liberal; he always expressed himself so.

4547. Are you aware that there were other Catholics who supported the unpopular candidates?—Several.

4548. Was the conduct of the police and military on that occasion approved of by the civil authorities?—It was.

4549. Do you conceive that the introduction of the military at Wexford was necessary, in order to preserve the peace?—I think it was; I believe so; and also at Ross, for I know it met with the approbation of Mr. Talbot; he appeared pleased at the time with every thing that was done, and was kind enough so to express himself.

4550. In short, you conceive that in the present state of Ireland, with these conflicting interests, the presence of the military, when they so conduct themselves as not to interfere with the wishes of voters, is useful as a means of stopping the effusion of blood?—I think so, when they are kept strictly to their duty.

4551. Did the military make themselves partisans?—No, certainly not; I never saw the least of it.

4552. Were they useful in preventing accidents and the loss of life, or the effusion of blood?—I think they were, and nothing could exceed their temper or steadiness; at the time of the attack they showed the greatest forbearance.

4553. You allude to the attack on Mr. Redmond's voters, who were taken away by violence?—Yes; the military showed the greatest forbearance.

4554. After the Riot Act had been read, and Mr. Redmond had desired the military to resist this force, if the military had not acted with extreme forbearance, would not blood have been shed?—I think it would have been as bloody a scene as could be witnessed.

4555. Now there is one sentence in the oath or placard headed "The Sanctity of an Oath," in these words: "Any person who votes for the candidate whom he believes less worthy and less calculated to advance the general good, is guilty of sin, because he commits an act of injustice against the public interest," do you believe, or do you not believe, that the "worthiness" of the candidate depends on the nomination of the priest?—I should think, they think more of those whom the priests nominate.

4556. You think that the nomination of the priest constitutes the "worthiness?" I think the people look up to the priests, and are guided by them.

4557. If the landlord were to exercise no influence, would the priest let the people exercise their own franchise without directing them, do you think?—I think they would direct them to vote for those they approved of.

4558. You have been asked whether the Protestant clergy interfered; do you believe that the Protestant clergy possess any influence equal to that possessed by the Roman Catholic clergy?—I do not think they do.

4559. Do you suppose that the Orange influence, if it is ever exerted at an election, is equal to the influence of the Roman Catholic clergy?—I cannot tell that.

4560. Do you believe that Orangemen have been expelled, in consequence of not voting with the Orange society?—I cannot call to mind that I have heard of that being done.

4561. You have been asked about the ballot, and you gave it as your opinion that it would be a protection to voters; if the vote was given secretly, do you not believe that they would be subject to an influence from the priests, to which influence they would not be subject in any other quarter?—I think they would be subject to more influence, for I think there is more opportunity for exerting it.

4562. How many instances should you say you have known of Roman Catholics either being interfered with in the chapel, or their pews pulled down, in the county of Wexford?—I cannot call to mind as to other places, but within my own district two cases.

4563. Was Ross one of them?—Certainly not; it was more than four miles from Ross.

4564. Do you consider that the tenants of Lord Crewe, who were at the distillery in Wexford, were there against their wishes, or that they were there with their own consent?—It was stated to me that they were brought there by a reverend gentleman, the parish priest, the Rev. Mr. Furlong.

 4565. That

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4565. That the parish priest brought them there?—That was the report; and what brought me there was, I was called on by Mr. Green, the chief magistrate, and I went down with some of the police, who were brought there by Mr. Green's orders to accompany the candidates to the house. It was not a distillery; it was the house of a Mr. Brennan, a merchant in the town.

4566. A storehouse?—No, it was his own house.

4567. When you went in, in what condition were the men?—The men were up in a large room up stairs, and they appeared to be tipsy; they were shouting, and there was a great deal of confusion. I went up to see what was going on; Mr. Cliffe was speaking to them, and I then went down stairs into Mr. Brennan's parlour.

4568. Were these the tenants of Mr. Cliffe's relation?—Of his brother-in-law Lord Crewe.

4569. Was the priest with them in the room?—The priest was in the parlour.

4570. Were these men allowed to go out of the room?—They were up stairs.

4571. Should you say these men were allowed to go out of the room, the priest being in the parlour?—It appeared to me as if they were all staying in that room.

4572. Were they shouting "Maher and Power for ever?"—There was so much noise that I could not tell what they were shouting.

4573. They were in a state of partial drunkenness?—They were.

4574. By whose influence do you believe they had been brought there?—I heard by Mr. Furlong, the parish priest.

4575. Is Mr. Furlong the parish priest of the place where Lord Crewe has his principal estate and domain?—He is.

4576. Is he on terms of intimacy with Lord Crewe?—I believe so.

4577. Did you ever hear that Mr. Furlong had either stated that he would be neutral, or that he would assist Lord Crewe's tenant's in voting independently?—I did hear it.

4578. You heard that Mr. Furlong had stated to Lord Crewe, that so far from interfering with his tenants, he would assist him in their voting independently, or rather that he would assist Lord Crewe, in order that his tenants should vote for his relation Mr. Cliffe?—No, I never heard a word about Mr. Cliffe; I did about Mr. Redmond. I do not believe that Lord Crewe put Mr. Cliffe forward; I believe he was opposed to his coming forward, but I believe he was anxious to give his support to Mr. Redmond.

4579. And he was induced, up to the day of the election, to believe that Mr. Furlong would assist his views in that particular?—I am not able to say that.

4580. Did you not hear that Mr. Green, the magistrate, said to the voters you have spoken of, "Boys, I come here to protect the freedom of election; there is the door open; walk out if you like?"—Yes.

4581. Did you hear of any who went out?—I heard him say, he would go up stairs, and tell them, that if they wished to go he would give them the necessary protection. Whether he did address himself to the freeholders to that effect or not, I do not know.

4582. Do you know whether any of them went out?—I do not know.

4583. Did Mr. Green say, that they were there with their own consent?—I do not recollect the remark; he may have said it, but there was a great deal of confusion.

Mercurii, 24° die Junii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Henry John Brownrigg, Esq., called in; and Examined.

H. J. Brownrigg, Esq.

24 June 1835.

4584. WHAT office do you hold?—I am sub-inspector of the county of Kerry, and a magistrate of the county.

4585. You were employed in the county of Kerry previous to and during the late election in January last?—I was.

4586. You made a report to the Government, dated "Constabulary Office, Tralee, 13th January 1835," in which you said, "I have the honour to transmit herewith an affidavit sworn before me this day by a most respectable gentleman, in consequence of which, and in the absence of the high sheriff, I have, in conjunction with other magistrates, made arrangements for the due protection of the freeholders

holders in question." The deposition made, on which was grounded the necessity for the military force, is as follows: " ———, of Cahirsween, in said county, who being duly sworn on the Holy Evangelists, and examined, deposeth and saith, that the lower orders of the people in the town and neighbourhood of Cahirsween aforesaid, have manifested the most open, avowed and violent determination not to permit the freeholders in the interest of the Right honourable Maurice Fitzgerald, a candidate at the ensuing election for said county, to proceed to the town of Tralee for the purpose of exercising their elective franchise; and one of said freeholders has been severely beaten for expressing his intention of voting for said Maurice Fitzgerald, and another has been illegally sworn, by a gang of persons assembled for the purpose of intimidation, not to vote for him; saith, that several freeholders have had notice given to them, that if they vote for the said Right honourable Maurice Fitzgerald, their coffins will be ready prepared for them, and that they will not be allowed to go with their lives to Tralee; saith, that several of said freeholders have applied to deponent to obtain protection for them, and have stated that they cannot, with safety to their lives, exercise the right of voting, unless the protection of the military or police shall be afforded to them; saith, that so great is the spirit of outrage which prevails in said town of Cahirsween and its neighbourhood, that on Sunday last, the 11th January instant, the Protestant congregation of said town, on returning from divine service, were pelted at with filth and dirt; and even before the termination of divine service, several riotous and ill-disposed persons came to the door of the church, and round it in every direction, and threw gravel and dirt at it; saith, that unless an efficient police or military escort is appointed for the protection of the said freeholders on their way to Tralee, he is convinced they will be deterred by force and terror of their lives from voting at the ensuing election. (signed) ———. Taken and sworn before me, this 14th day of January 1835, (signed) H. J. Brownrigg."—I took that deposition.

4587. Were the circumstances alleged in that deposition such as in your opinion justified the employment of the military and police in that election?—Certainly.

4588. Did you know, as belonging to the constabulary, that the main features alleged in this deposition, by other facts that had come to your knowledge, were true?—I subsequently heard from different sources, circumstances which led me to believe that those facts were true.

4589. By subsequent occurrences at that election, was the introduction of the military at Tralee, and in the county, in your opinion justified?—At Tralee every thing passed off peaceably, but from reports I received from other parts of the county, the military force was absolutely necessary; in the first place the police force of the county is very small; we had only 120 men in the county. The introduction of the military in Tralee, as a precautionary measure, I considered quite necessary.

4590. What were the general features of intimidation exhibited at that election, was it a system of intimidation pursued by means of the priests exercising undue influence, or was it merely by the mob, or by both?—As far as I have understood, from reports made to me, the influence of the priests contributed very much to influence the votes of the electors. The influence of the mob, in some cases, I believe also to have had the same effect.

4591. Are you aware of a speech, alleged to have been made by Mr. Daniel O'Connell at the association in Dublin, and published in the Kerry paper, which speech in substance had a passage to this effect: " I go to-morrow down to the county to oppose the Knight of Kerry. I will tell you more, that there is not a Catholic in that county who will be base enough to vote for the Knight of Kerry, who shall not have on his door a death's head and cross-bones painted, to show what a miscreant that Catholic must be." In any placards, papers or printed documents in the county of Kerry, has such a passage come to your knowledge, as being alleged to have been uttered by Mr. O'Connell?—Yes.

4592. What interpretation was put upon those words by the people in general in the county of Kerry?—The prevalent opinion amongst the people was, that those words marked them out as persons who were likely to suffer, either in their person or otherwise, if they voted contrary to the popular candidates.

4593. Do you know directly, from any Catholic gentleman of your acquaintance, in talking of words so remarkable as those, what was, in their estimation, as Catholic gentlemen of education, the interpretation which they put upon those words?—I have heard several discuss it. I recollect in one instance in particular, a Catholic gentleman saying, that the very circumstance of that threat, as he called it, being held out, would induce him to vote directly the contrary way to what he otherwise

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otherwise would be disposed; that is, that he would not vote for Mr. O'Connell but against him.

4594. Then the interpretation in that gentleman's mind, being an educated person, was, that it was meant as a threat by Mr. O'Connell, which he was determined to oppose by voting contrary to the way he had originally intended?—Certainly.

4595. But with the lower orders of Catholics, who are not in the independent position of this gentleman, and who interpreted this part of the speech as a threat, were they likely to oppose the popular candidates?—I think they viewed it in the same light; but I do not think they were disposed to act in the same way.

4596. Have you any doubt, from all you have heard in the county from others, as well as your own interpretation upon that passage, that it was taken generally as a threat, denouncing those as miscreants who should vote against the popular candidates in favour of the Knight of Kerry?—I certainly think that the people did consider it as a threat.

4597. Do you know any fact that occurred in the county of Kerry afterwards, when Mr. O'Connell came down, which confirmed that view, that the speech was taken as a threat? Do you know whether Mr. O'Connell, in the county of Kerry, at Tralee, from a balcony or platform, in front of the Commercial Reading Rooms, addressed the people on one day, and that he stated in substance, as it has been printed in the Kerry papers, "that there was not a demon in Hell more base than the Catholic who should vote for the Knight of Kerry," and then these words were repeated, "I will have a death's head and cross-bones painted or printed on a placard, and posted on the door of any Catholic who votes for him?"—I heard those words used in substance by Mr. O'Connell.

4598. Did you hear the first part, "that there was no demon in Hell more base than the Catholic who should vote for the Knight of Kerry?"—I did.

4599. Do not you think that this speech, taken in connexion with the public speech made at Dublin, was calculated to alarm any Catholic of the lower orders if he voted for the Knight of Kerry?—I think so.

4600. Is not there every reason to believe that he would be insulted and beaten, and that he would be liable to be injured in his trade, to have his property injured, and perhaps his life placed in danger?—I would not, perhaps, go the whole length as to his life being endangered, because I have never heard any person express it so far as that; but I do believe, that the Catholics in general considered that if they voted contrary to the wishes of Mr. O'Connell, they would be injured in their trade.

4601. Are they not liable to have their property injured by voting against Mr. O'Connell?—Certainly.

4602. Do you know a case in which an outhouse was burned down in consequence of the individual having the day before voted against Mr. O'Connell?—Yes, I have received a report to that effect.

4603. Have you any doubt as to the fact?—No, I have none whatever.

4604. Do you mean, that you have no doubt of the fact of the house being burned down, or that you have no doubt as to the cause why the house was burned down?—I have no doubt as to the fact of the house being burned, but I cannot say whether the cause given be the true cause or not.

4605. Was that cause ascribed in the report?—That is the cause assigned in the report which I received from the officer of the district. The report is dated "Listowel, 25th January 1835. Sir,—I am to report for your information, that the threat of death's head and marrow-bones is already being put into operation in this district, as on last night, or early this morning, the house of Thomas Carrol, land surveyor, was set on fire in the village of Duagh, in consequence of Carrol having voted for the Knight of Kerry. The only inmates of the house at the time were Carrol's two daughters, and his son about 15 years of age, Carrol being in the town of Listowel, on his return from the elections. The property in the house was rescued from destruction by the timely interposition of constable Raymond, and several of the inhabitants."—That is signed by the officer of the district.

4606. Are you aware whether, in the estimation of the public in that neighbourhood, they attributed the burning of this house to accident, or to any malicious cause, or to the mode in which the man voted?—I have understood, from the officer of the district with whom I had some conversation upon the subject afterwards, that the impression there was, that it was on account of his vote.

4607. From your knowledge of what passed during that election, if you were to

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to be called upon to give an opinion, was the burning of that house, in your opinion, attributable to any other cause than the manner in which he voted?—The presentment not having been traversed, or any step taken to defeat the presentment, and from the report of the officer, I cannot attribute it to any thing else.

4608. Then, in your opinion, it can only be attributed to that cause?—That is my opinion.

4609. Has the person who set fire to the house been apprehended?—No; a reward was offered by the Government of 50*l.*; but the author has never been discovered.

4610. Were there any resolutions of a threatening nature passed during the election at Tralee, or in the county, denouncing those who should vote against the popular candidates; that there should be a system of exclusive dealing adopted against them, and that they should be shut out from all society if they voted against the popular candidates, and in favour of the Knight of Kerry?—There were resolutions agreed to at the meeting referred to; but the Committee will best judge of the nature of these resolutions by reading them. I have the placard here; the meeting was held on the 1st of January; and that placard is as follows: "At a meeting held this day at the Chamber of Commerce, Tralee, Richard Leyne, Esq., in the chair, the following resolutions were unanimously adopted: 1st. Resolved, that the question to be decided by the approaching election is, tithes or no tithes; and that the Knight of Kerry, in the county, and Mr. William Denny, in Tralee, are supporters of the blood-stained tithe system. 2d. Resolved, that whoever votes for the Knight or for Mr. Denny, in Tralee, is really and truly a supporter of that blood-stained system, and should be regarded as such by all the peaceable and well-conducted inhabitants of the town and county. 3d. Resolved, that the present administration is formed on a principle insulting to the Protestant Dissenters of England, and inimical to their interests. 4th. Resolved, that the present administration is also formed on the basis of the most insulting indignity to the Catholics of Ireland, containing as it does many of the leaders of the odious and sanguinary Orange faction. 5th. Resolved, that no liberal or enlightened Protestant can support such an administration, pledged as it is to tithes and to the Orange faction; and that any Catholic who shall vote for either of the Government candidates, either in the county or town, must be among the most base and unprincipled of mankind. 6th. Resolved, that a committee be appointed in every parish in the county to make all necessary arrangements to secure the return of the anti-tithe and anti-Orange candidates. 7th. Resolved, that we pledge ourselves to give a decided preference of friendship and dealing to those who vote for the anti-tithe candidates; and that we deem those who vote for the tithe candidates as unfriendly to their neighbours and unjust to the first principles of humanity and religion. 8th. Resolved, that an humble address be prepared and presented to our Gracious Sovereign, praying him to dismiss from his councils men whose policy would plunge this fine country into confusion, anarchy and bloodshed.—Richard Leyne, chairman, Richard O'Connell, secretary. Tralee, 1st of January 1835."

4611. How was the 7th resolution understood?—It was considered by the public as a recommendation of exclusive dealing.

4612. Do you know any instances in which it was carried into effect?—I could not, of my own knowledge, know any instances; but persons in trade have told me so, and, in point of fact, an affidavit was sworn before me to that effect.

4613. To what effect?—That the person who swore the affidavit had lost his trade, in consequence of the speech of Mr. O'Connell, and the resolutions just alluded to.

4614. A voluntary affidavit?—A voluntary affidavit.

4615. Did more than one person swear to that effect?—One only swore to that effect.

4616. But you do not mean to say that the exclusive dealing was limited to the case of that individual?—No; I understood there were other instances.

4617. Have you heard that other houses were also burnt, of persons who voted for the Knight of Kerry; and that persons were assaulted in consequence of the votes they gave?—I have heard of property being burnt, and persons being assaulted, and some individuals were convicted at the quarter sessions for the assaults.

4618. Be so good as to state the cases?—At Killarney sessions there were two persons pleaded guilty and fined.

4619. Was that Mr. Murphy's case?—Yes; and there were six more who pleaded guilty also, in the same case; and two of them were confined three months in gaol at hard labour, and the others were bound to keep the peace. Then there

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were persons at the Tralee sessions charged with assaulting a man who had voted, and they were sent to gaol for two months; and there were three men sent to gaol for a like period, for similar assaults.

4620. How many are those cases of assault which you have referred to?—At the Killarney sessions, I take it, that there were two cases, because the men were tried in different batches. With respect to the Tralee cases, I know that there were two distinct assaults; they were both on the same day, on different persons.

4621. Where did that take place?—On the way from Tralee to Miltown.

4622. Is the number of assaults tried at the quarter sessions, or before any other court, any proof of the number of assaults that take place? Is it not notorious that, in the state in which that county was, after the election, many persons would prefer taking the beating they had received, rather than incur the danger of applying to the court for redress. In short, is not the fear of private vengeance greater than the hope of receiving satisfaction from the law?—I believe there were instances of that kind, for I know very lately that a man told me that he had been himself twice assaulted, and that he did not mention the fact till then. I was told that about a month ago.

4623. What was his motive in not applying for redress?—He told me that he would be afraid to travel the road if he prosecuted the people.

4624. Was that assault on account of the election?—Certainly.

4625. Was he a voter?—I do not know whether he was a voter; I should think not.

4626. Does he drive a car in the interest of a voter?—Yes.

4627. He drives the car of a man opposed to Mr. O'Connell?—Yes.

4628. With regard to violence, were there not several voters proceeding to Tralee to vote for the Knight of Kerry, who were impeded in their approach to the town of Tralee, and attempted to be dragged from their carriages?—I have heard that such was the case, but I cannot say any thing more. I also heard that the coach was stopped, in one or two instances, to see who were in it. But I should have observed, with reference to the former question, that at other times, as well as election times, many persons put up with a beating rather than prosecute, because they would probably get more again at another time.

4629. Could many of the voters have got up to vote, in consequence of the violence of the people, unless they had been assisted by the police?—The affidavit of ——— and the report I received from other parts of the county, led me to suppose so; but I understood, and I believe it to be the case, that a great many voters availed themselves of the escort of the other party.

4630. That is to say, they came in under false colours for protection?—So I understood.

4631. Is not it, unfortunately, the practice of the lower orders, when assaults take place, without any reference to an election at all, to compromise the assault amongst themselves; and in a great many instances do not they refrain from prosecution, from the apprehension of private vengeance?—Decidedly; it is an every day occurrence.

4632. So that the evidence you have given, with respect to the non-prosecution for those assaults, though the instances to which you have referred happened to relate to elections, are only illustrative of a general system through the country?—I have stated so.

4633. But the reason why there were so few assaults that came judicially to your knowledge, was the habit of the country not to prosecute, fearing that another beating would be the consequence if they did?—Yes.

4634. Therefore, the number of assaults reported to you is no indication of the number of assaults which actually took place?—Certainly not.

4635. How much did the assaults during the fortnight succeeding the election exceed the average number of assaults in a fortnight usual in that part of the county of Kerry?—That would be a very difficult question to answer; I attend several petty sessions, and I dare say from one sessions day to another, 200 or 300 take place throughout the county.

4636. The question refers to that part of the county that you had cognizance of; was the number considerably exceeding the average?—I do not think it was.

4637. Did you take yourself any part in the election?—None whatever, except as a public officer for preserving the peace.

4638. Can you give any instances within your own knowledge, of any cases of personal injury resulting from that paper?—I have heard of several; they have been reported to me.

4639. Do you believe them?—I believe the reports to be true, because they have never been contradicted; and I have got an abstract of the outrages after the election, upon the persons and property of individuals who voted.

4640. Will you read that abstract?—I have put them under the head of the districts in which they were reported to me, and first the Listowel district:—"22d January. This night the house of Lawrence Barry, farmer, parish of Duagh, was attacked by a number of persons unknown, who threw stones at his door, and scattered a stack of corn in his haggard; the cause originated in his having voted for the Knight of Kerry.—No. 2. 24th January. This day a threatening notice was found, posted on the house of Timothy O'Connor, of Duagh, who keeps a dancing school, ordering him not to keep the children of Messrs. Stack and Carroll at his school, or he should be reported to the priest: Stack and Carroll voted for the Knight of Kerry.—No. 3. 24th January. On this night the house of Thomas Carroll, land surveyor, in the village and parish of Duagh, was maliciously set on fire by some person or persons unknown, but through the timely interposition of the police and some of the inhabitants, the fire was got under, without further injury than a part of the roof being destroyed, and the side wall of the house falling in: the cause of this outrage is attributed to Carroll's voting for the Knight of Kerry.—Kenmare district, 24th January. On this night the town of Kenmare, and the country surrounding it, was in a state of perfect disorder and confusion; the hills and mountains were in a blaze, so much so that the reflection of the different bonfires caused the inhabitants of the town to be in the greatest uneasiness; the windows of Garrett Reredon, Dan Sullivan, innkeeper, and George Nicholson, were broken with stones in consequence of their politics not being approved of; Nicholson is a Protestant, and protected his house by bringing out his gun.—Cahirsween district, 11th January. On news reaching Cahirsween that Mr. Maurice O'Connell was returned for the borough of Tralee, a large mob proceeded to the church, and during divine service continued hooting and yelling, throwing stones at the roof of the church and mud at the windows, and subsequently on the return home of the congregation they were pelted with mud and stones: two of the principals can be identified by constable Odell.—Killarney district, 22d January. Upwards of 20 rails of turf were maliciously burned in the bog of Menus, parish of Killorglan, the property of Bart. Dwyer, said to have been done in consequence of Dwyer's having voted for the Knight of Kerry. —Dingle district: First, 24th January. At the hour of six o'clock, P. M., on Saturday the 24th instant, the village of Castle Gregory was illuminated, and a number of persons parading the streets and blowing horns; they broke the windows of a man named David Fitzgerald for voting for the Knight of Kerry. Second, 25th January. On this night some person or persons unknown broke into the parish chapel of Lispole, and broke the pew of James Fitzgerald: the only reason for this outrage is, that Fitzgerald voted for the Knight of Kerry.—Tralee district, 22d January. A mob of persons assembled in front of the house of a man named William Bailey, of Castle Island, who voted for the Conservative candidate, and commenced shouting, saying, 'D——n the Knight of Kerry;' several stones were thrown at his door, one of which struck the bugler of the 51st regiment while sounding tattoo."

4641. Were any of those parties brought to trial?—There were none of them known except the two men in the Cahirsween district.

4642. Did you send a report to the Government with respect to the outrage committed at the church?—Yes.

4643. Did you state to the Government that two of the parties could be identified?—I forwarded the report of the officer.

4644. Did the Government instruct you to direct a prosecution?—In my report to the Government I stated that I directed the officer of the district, as the men were known, to desire the constable to prosecute them.

4645. Did you receive any answer from the Government respecting that intimation given by you, that you had given directions that they should be prosecuted? —No; I do not recollect that I did.

4646. Do you know whether the Government ever took any step for the purpose of prosecuting those individuals?—I do not think they did; because having stated to the Government that I had given directions that they should be prosecuted, I suppose the Government left it in my hands.

4647. Do you believe those men ever were prosecuted?—I do not believe they ever were.

4648. Is it not the custom when an officer in your situation states that he has given directions for the prosecution of such offences, that the details of the

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prosecution are left to the officer at the head of the police department?—That is the usual course.

4649. But in this case there was, in point of fact, no prosecution of those two individuals who could be identified?—No.

4650. Has any report been made to you by the officer whom you directed to prosecute, respecting the prosecution or non-prosecution of those parties?—I recollect having written or spoken to Mr. Carroll upon the subject, but I do not recollect the reasons he assigned why the prosecution was not persevered in, but the impression upon my mind is, that they were satisfactory.

4651. Do you think, that in the excited circumstances of the county, any prosecution could have been attempted with any prospect of carrying it through with success, as to the protection of witnesses?—The witness was the constable. As far as regards my wishes upon the subject, I thought the fewer prosecutions there were, in matters arising out of the election, the better, and that was one feeling that influenced me upon the subject.

4652. Upon all occasions, has not it been the uniform practice of the Government in Ireland, since you have been in your present public station, that the same strictness of prosecution is not adopted with respect to outrages at elections as upon other occasions?—I think that, in all cases of popular questions, the Government are not so strict in prosecutions as they are in the ordinary cases of personal injury.

4653. Are you aware that any influence was exercised by the priests during that election, and will you state any cases that came to your knowledge upon the subject?—The reports made to me lead me to believe that a good deal of influence was used on the part of the priests, and that several persons who were otherwise disposed to vote for the Knight of Kerry did not vote for him, in consequence of the influence that had been used.

4654. Did you ever see or hear of a letter of the Roman Catholic bishop of the diocese, addressed to the several priests, and circulated throughout the country, in favour of Morgan John O'Connell, recommending their co-operation in insuring his election?—I have heard of such a letter, and I was told by a Catholic gentleman that he had read it.

4655. Did the priests, in consequence of this circular of the bishop of the diocese, use, in their capacity of priests, any particular means to influence the voters, such as stating, either in the streets or in the chapels, that those would be denounced, and not dealt with, who voted against the popular candidates, and in favour of the Knight of Kerry?—I have heard, from a report made to me, that the priests in several chapels did address their congregations, advising them, and in some instances threatening them, if they voted against the popular candidates; but I never heard that they recommended exclusive dealing.

4656. When you say "reports," do you mean official reports, or rumours?—Official reports.

4657. What was the nature of the threat which the priest used?—Excommunication, as I understood it.

4658. Was the word "excommunication" contained in the official report made to you?—Not the word.

4659. Have you got the reports made to you?—I have some of the reports; this is one of the reports, dated the 11th of February 1835. This was a report written to me, in consequence of directions I had received to communicate any matters of this nature that had come under my knowledge; and I wrote to the officers in consequence of that communication, and this was one of the reports I received:—"In reply to your letter of the 4th instant, requesting I should apprize you of any well authenticated cases in which priestly interference, by exhortations from the altar or otherwise, or direct intimidation have been exercised, to prevent voters from giving their support, which they were otherwise disposed to give to their landlords, I am to state, that with the exception of the parish of Brosna, where the Rev. Mr. Towhill, P. P., presides, and the parishes of Tarbert and Ballylongford, over which the Rev. Mr. Daniel M'Carthy, P. P., and Rev. Mr. Enright, R. C. C., are; I have reason to believe, that in all the other parishes of this district, although the priests did not openly, they did privately exercise and use their influence as far as they possibly could. At Listowel, the Rev. Mr. Mahony was most actively going about, both before and during the elections, but his interference has been kept a profound secret. I have not learned that he used his influence at the altar, but in the case of one Andrew O'Rourke, a publican, baker and general dealer of this town, who had promised to give his support to the Knight of Kerry about a week before the county election commenced,

commenced, whereupon the system of exclusive dealing was immediately carried into full effect against O'Rourke; in consequence, he applied to the priest to mention at the altar that he would be a ruined man if the people ceased dealing with him, and that he should on his part vote for the good of his country, whatever way the people went, which the reverend gentleman stated accordingly. I am told that the Rev. Mr. O'Connell, P. P., of Liena, had promised Mr. Collis, Lord Listowel's agent, that he would not interfere from the altar with the voters; whereas, on the two Sundays previous to the election, he absents himself from his chapel, where the officiating curate advised the constituency to vote for Messrs. O'Connell and Mullins. With respect to the Rev. Mr. M'Carthy, P. P. of Ballyduff, I enclose herewith a deposition of the proceedings he took on the occasion. And I am told that the Rev. Mr. Buckley, P. P. of Liselton, used all his influence from the altar of his chapel, on the two Sundays previous to the election, in order to influence voters to give their support to Messrs. O'Connell and Mullins. I am also to add, that as the parishes of Newtonsands, Liselton, Ballybonion and Liena are out of the range of being visited by the police, it has been impossible for me to come at the precise language used by the several priests, more than as I have stated. I presume, however, it may not be unworthy of notice to remark, that in those parishes in which no priestly influence had been exercised, the Protestant gentry and the priests have been and are on the most friendly footing. I have the honour to be, sir, your most obedient humble servant, William E. Brady, C. C. Police."

4660. Have you got the deposition referred to in that letter as in enclosure?—I have. "The joint informations of

Ballyduff, in said county, who, being duly sworn in the Holy Evangelists, deposeth and saith, that on Sundays, the 11th and 18th days of January 1835, while deponents were attending mass in the chapel of Ballyduff, in said county, the Rev. Eugene M'Carthy, parish priest of Ballyduff aforesaid, did, on the dates above stated, advise from the altar the freeholders of said parish to give their support to Messrs. O'Connell and Mullins, the present members for this county, observing at the same time that they were for the good of their country, for the good of the people, and for the good of the altar he stood upon: and deponents further saith, that the said Rev. Mr. M'Carthy then stated he had received a letter from the Knight of Kerry, soliciting his (Mr. M'Carthy's) aid and influence with the electors at the ensuing election, to vote for him (the Knight of Kerry), which the reverend gentleman would willingly do, but that he did not conceive the Knight's principles were for the good of his country; whereupon, holding up his hand, he said, 'Let those who are for O'Connell and Mullins hold up their hands,' which was universally done throughout the chapel: and deponents further say not. Taken and sworn before me, one of His Majesty's justices of the peace in and for said county, at Listowel, this 9th day of February 1835;" and then it was signed by the magistrates and by the witnesses.

4661. This letter is a reply to a letter of yours, dated the 4th of February, and it contains the following passage, which is marked in asterisks, as a quotation from your letter: "Any well authenticated cases in which priestly interference by exhortations from the altar, or otherwise, have been exercised to prevent voters from giving their support, which they were otherwise disposed to give to their landlords." By what authority did you address the letter upon the 4th of February, containing those words, to a person standing towards you in an official relation?—By orders from the inspector-general, Major Miller.

4661*. Then the words "which they were otherwise disposed to give to their landlords," were contained in the letter addressed to you by Major Miller?—I think those are the words.

4662. They are marked with asterisks, intimating that they were a quotation?—Yes.

4663. If they were a quotation from your letter, is it your impression that they were also a quotation from the instructions of the inspector-general?—It is, certainly.

4664. Are you inclined to believe, that as regards the votes of the greater number of voters, they have not much opinion of their own; but that they will either give their vote according to the wish of their landlords, or according to the wish of the priest?—My opinion is, that a certain class of voters act under the influence of either the priests or their landlords.

4665. Is it your belief that they have no opinions of their own?—I conceive that is implied in the answer.

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4666. What class do you mean?—I mean the class of 10*l.* freeholders.

4667. Was any direction given to you by the inspector-general to make inquiry, or to report if any circumstances came to your knowledge, of landlords that might have interfered to prevent the tenants voting against their own will?—No, I do not recollect to have received any such instruction.

4668. Do you mean to say, that the class of 10*l.* freeholders have no opinion of their own in politics, but only that of the landlord or the priest?—I do not mean to say, that they have no opinion of their own, but that they act under the influence of either the one or the other; I think they have an opinion, of course; I think every man forms an opinion.

4669. If they were free from the influence of the landlord and the priest, you think they have an opinion of their own?—I think every man forms an opinion of his own.

4670. Do you think they would vote very often otherwise than they do, if they could act freely, according to their own opinion, independently of any influence of the landlord and the priest?—Decidedly.

4671. Do not you know instances in which Roman Catholics would have voted for the Knight of Kerry, had they been allowed to give their vote as they wished, but where induced by the priest to vote on the contrary side?—I have heard so.

4672. Do you know an instance in which Mr. O'Sullivan voted for the Knight of Kerry, with the consent of his uncle the priest, although Mr. O'Sullivan had been most violent in denouncing those of his parishioners who would be so base as to vote for the Knight?—I have heard so.

4673. Were placards stating that fact posted by the friends of the Knight of Kerry?—There were.

4674. Was one of them torn down by Mr. O'Sullivan?—One of them, I understood, was torn down by Mr. O'Sullivan, and some slight disturbance occurred; and the only thing that occurred, in point of fact, during the election in the town of Tralee arose out of that circumstance.

4675. Have not you heard of another instance, in which a priest privately instructed one of his relations to vote with his landlord, although the priest had taken a different line of politics?—I have heard that such was the fact.

4676. Consequently, that in some instances, if Roman Catholics had been left to themselves, and had not feared the interference and influence of the priest, they would have voted for the Knight of Kerry?—That is the impression upon my mind from all I have heard.

4677. Do not you also think, there are many instances where men, if they had not been influenced by the landlords, would have voted against the Knight of Kerry?—I do believe there are some instances of that nature.

4678. Do you consider, that the influence of a landlord over his tenantry is the same thing as the influence of a priest denouncing and threatening from the altar persons who vote contrary to his wishes?—I do not think they are the same at all, because I think the influence of the landlord operates very differently from the influence of the priest. I think the influence of the landlord does not go to injure the tenant if the tenant votes with the landlord; but the influence of the priest goes to injure the tenant, because he votes against his own interest

4679. How does he vote against his own interest?—Because he may be injured by the landlord.

4680. The priest has got excommunication, and the landlord has got ejectment?—That is pretty much the truth.

4681. Which is the more powerful, in your opinion?—I conceive the threat of excommunication, decidedly, because the influence must be very great that will make a man vote against his own interest.

4682. What is the consequence if he votes against his landlord?—It goes to ruin him decidedly, there is no question about it.

4683. Are you aware what excommunication is in the Catholic church?— I am not so very well versed in those matters as to give an answer, but I suppose that he is what they call "damned by bell, book and candlelight;" that he is shut out from the church, and excluded from all intercourse with his fellow men.

4684. Are you aware, that no single priest can excommunicate?—I am not aware of it, but I have heard that such has taken place.

4685. You have got reports from official persons, demanded through an official medium, of the nature of the influence exercised by the priests; have you got a single report in which it is mentioned that the priest threatened excommunication?—No, not in direct terms, I have not.

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4686. Will you have the goodness to show the Committee all the reports you have upon the subject?—I will show the Committee all that I have in my possession, and I believe all that I have received; in fact, I searched for every document that I could find upon the subject. This is a report from Kenmare, dated the 5th of February, 1835: "Dear sir,—I received yours of yesterday. I cannot say of my own knowledge of any priestly interference with voters previous or during the last election. The Sunday before the election the coadjutor priest of this parish did speak from the altar, and cautioned the freeholders to be true and steady to the country, but I am not aware of his having held out a threat. On Sunday last this same priest mentioned from the altar of a certain gentleman (he alluded to Mr. Hickson, in such a way as not to be mistaken) turning off a driver named Parker, who displeased him for interfering with some voters, I believe of Captain Fairfield's. Mr. Hickson intended to have reinstated Parker, but the harangue of the priest deprived him of the situation for ever. The priest of Inosist was very active before and after the election, but this I have only from report. I also heard that he paid up his bill at Daniel Sullivan's (innkeeper), and said he could not deal with him any more. (Sullivan voted for the knight.) The Kilgarvan priest (Gallavan) said in the chapel, that any one that voted against his country should be marked out to the flock. As for the Ballyheigh priest, I could not say any thing of him except from report. ——— would be the most likely person to give you information relative to his conduct at that side of the country. With respect to the party that marched into Tralee with the flag, &c., during the election, the following is all that I know. On one of the days of the election I saw a number of persons coming up the street with a green flag; I asked some person in the street who they were; he replied, it was Father Healy and his freeholders, or parishioners, I forget which word was made use of. I heard a person in a window repeatedly call out to take down the flag. I saw some men with laurel leaves in their hats, and they I believe belonged to the party that carried the flag. I did not see Father Healy on that day, nor should I know him. The flag was taken into a house near Gossin's the printer's. I was standing within a few yards of the Peace Office door at the time, and saw the flag coming up the street. I understand it is in contemplation to get up a liberal club here and exclusive dealing, but I think one week will knock both on the head. I am, dear sir, yours very truly, Benjamin Jackson."

4687. From whom is that letter?—From the police officer of that district.

4688. Have you got any depositions connected with the last report you have read?—No.

4689. With reference to the expression in the report, is the expression of "marking out one from the flock" a term which would lead you to think of any thing like excommunication?—Yes, I can put no other meaning upon it.

4690. Has excommunication, as you understand it, the effect of putting the party who is excommunicated out of the flock, as it were, away from intercourse with the rest?—That is what I understand it to mean.

4691. If a voter had voted for the Knight of Kerry against the wishes of the parish priest, and that subsequently he or his wife fell sick, and were in danger of their life, and he sent to the priest for spiritual consolation, and the priest refused to administer the rites in consequence of the line he had taken, should not you consider that to have the effect of excommunication?—It would to a certain extent, certainly.

4692. Have you ever heard any instance of that?—I do not recollect that I ever have.

4693. Are you aware that excommunication is pronounced in a certain form?—I have heard so.

4694. Can you give any instance of a sentence of excommunication having been pronounced upon any one person in the county of Kerry?—I do not know from my own knowledge any instance. I have heard of one, but it was not for any political matter.

4695. Then you have never heard of this threat being carried into effect?—I have not.

4696. You were asked whether a single priest had the power of excommunication; whether he has that power or not, are you aware that single priests have taken upon themselves to excommunicate?—I have heard so.

4697. Have you heard of a case upon the borders of the county of Kerry, where the Rev. Mr. O'Sullivan excommunicated a person, and an action was brought and damages recovered?—Yes.

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4698. Do you know that the jury were Roman Catholics that gave the damages against the priest?—I do not know.

4699. Then the priests do take upon themselves sometimes to exercise this power?—I have heard so.

4700. Did you hear of any spiritual censure upon Mr. O'Sullivan for having done so?—I did not indeed; I recollect nothing more of it than the mere fact.

4701. Will you read the rest of the reports you received?—Here is one relating to that subject. This was sent to the officer in Tralee under me by the sub-constable of the district. This is dated the 8th of February. "Sir,—The parish priest of this district did not intimidate the voters in this parish. On the 11th day of January John O'Connell, and his son, Morgan John O'Connell, came to the chapel of O'Doning. I went to the chapel to hear what they would say. The priest made a short speech in favour of John O'Connell, and introduced him to the voters, and requested they would vote for him, the said John O'Connell. He did not make use of threats on that day, or any that I could learn. The people shouted, and said they would vote for him, and groaned the Knight of Kerry in the chapel. I have been speaking to one of the freeholders that did not vote at the late election, as he was inclined to give his vote to the Knight of Kerry. The priest advised this man to vote for O'Connell. This statement is correct. Your, &c. To Mr. Jones, C. C. P. Constabulary Office, Tralee."—This is dated Ardfort, the 9th of February, 1835; it is addressed to Mr. Jones, the police officer under me: "Sir,—I have made every inquiry that I could relative to priestly influence, &c., used at the late elections. The principal person that I expected to get any information from was ——, of ——, who informed me that two of the tenants named —— and ——, when asked to vote for the Knight of Kerry, they said if they went against their priest's wishes in so doing, they were in danger of being murdered by night. There is a freeholder named ———, in Ardfort, who I am told promised his vote to the Knight of Kerry, but the priest of Ardfort took him in his gig to Tralee, and made him vote contrary to his first intention. It is impossible to get any person to come forward to make affidavit to that effect. I remain, sir, your most obedient servant, ———. P.S. I am told that the priest of Ballyhagen used great influence with his flock. If you would write to ———, he might get some information. J. H. D."—Here is one from Mr. Carroll, dated "Cahirsween, 7th of February, 1835: Sir,—In reply to your communication of the 4th instant, relative to the undue influence of persons in preventing voters, during the late elections, of exercising their franchise in support of their landlords, the only cases I am aware of were those of —— and ——, and whose affidavits I am informed were taken by you in Tralee. I am not aware of the priests of this district having (publicly) interfered. I have the honour to be, sir, your most obedient humble servant, P. Carroll, chief constable; Captain Brownrigg, sub-inspector."—I took several affidavits. I do not know whether I took that particular affidavit, but if I did, I forwarded it to the Government, and I do not know where it is.

4702. Will you produce the other reports?—These are all I have.

4703. To how many officers did you write?—I wrote to every police officer in the county.

4704. Did you get a report from every one of them?—Yes.

4705. When you say that you have no more, do you mean no more generally, or no more of that nature?—I have no more official reports of that nature.

4706. Did you, in selecting them, select such only as bore more peculiarly upon the subject of intimidation exercised by the priests?—I brought every report that bore in any way upon the subject.

4707. Therefore, those that you have not brought here do not bear upon the face of them any imputation upon the priests for having exercised influence?—Certainly not, for I do not recollect any other report than those I have produced.

4708. You appear to have written a circular letter, desiring information respecting the influence of the priests, to every one of the police officers in that district?—I did.

4709. And you got answers upon that subject from every one?—I did.

4710. To how many police officers did you write?—There are six, and I received five answers. There is one officer under me in Tralee, whose report I took verbally; and Mr. Burke, as well as I recollect, and Mr. Lawrenson, stated that they had nothing to report.

4711. Did they state that verbally or by letter?—By letter, as well as I can recollect.

4712. Did

4712. Did they say any thing but that there were no facts to report?—Nothing else.

4713. Have you got the original letter which you received from Major Miller, directing you to make inquiries?—I think I have that letter in London.

4714. Can you furnish a copy of the circular you wrote to the officers under your inspection?—I have not got a copy of it here, but I can get it for the Committee.

4715. Did you make a report to Major Miller?—I did.

4716. Have you a copy of your report?—I kept no copy; it was from these documents and verbal reports that I took the different cases reported to me, and I sent a general abstract to the inspector-general.

4717. One of the officers reported verbally to you, and another officer reported that he had no report to give you; that is to say, that there was no intimidation?—None that he was aware of.

4718. Have you not had representations made from the Government, that the reports sent to the Castle were frequently on what were termed hearsay statements, and that it was desirable, before the Government would take any cognizance of those facts, that they should, as much as possible, be given as depositions?—Yes.

4719. And that great public inconvenience results from officers under the Government reporting circumstances without having such depositions, inasmuch as the Government, if they act at all, act upon evidence, which frequently turns out not to be legal evidence, and that, therefore, depositions have in most instances been required by the Government?—Whenever a fact can be deposed to, the Government have required depositions; and in this particular instance I was desired to have them.

4720. Do not you find great difficulty in obtaining depositions from the unwillingness of the parties to depose, from fearing the consequences?—Very great.

4721. Therefore a great many cases would be capable of proof had the parties dared to come forward?—Yes.

4722. But the depositions are wanting in consequence of the parties being afraid?—Yes.

4723. If there is great difficulty in obtaining depositions, is it not the case that many facts occur which cannot therefore be legally taken notice of by the Government?—So I conceive.

4724. Therefore it is the habit of the Government to desire the police officers to obtain depositions on all matters as much as possible?—Certainly.

4725. Have you not very few troops in your district?—Only a depôt of about 150 to 200 men in the whole county.

4726. You have stated that one of those officers reported to you verbally; did he report any thing?—He reported many things.

4727. Did you make a communication to Major Miller on the subject of the influence exercised by the priests, containing the substance of the various reports to you?—I did.

4728. What was the date of that communication?—I cannot say; but I think I have the original document along with Major Miller's letter; but if not, I will write for it, and send it to the Committee.

4729. How many of those officers who so reported are Catholics, and how many are Protestants?—There are only two Catholic officers in the county; the remainder are Protestants.

4730. You mean to say two out of the six are Catholics?—Yes.

4731. Have you produced any report from any Catholic?—From Mr. Carroll.

4732. Who is the other Catholic?—Mr. Burke; and he is one of the officers who had nothing to state.

4733. But he made you a written report?—He did.

4734. Can you produce Mr. Lawrenson's answer and Mr. Burke's answer?—I dare say they are in my office, and I will send them to the Committee.

4735. Were they left in your office because they did not bear upon the question of intimidation?—Precisely so. I wish to observe, that all my information has been collected from reports made to me by officers of the county, in consequence of instructions I received; and those officers, I conceive, have selected cases which they considered could be proved; and I came here, bringing these documents merely to refresh my memory.

4736. In your report to Major Miller, did you give copies of the reports with which you had been furnished by the constables, or did you give the substance of them?—I gave the substance of them. I gave those cases which, from what I had

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heard, and from other circumstances, induced me to believe were more capable of proof than the others.

4737. Did the clergymen of the church of England in Ireland take any part during any election?—The only clergyman that took any part in the election was Mr. Denis Mahony; but he has no cure, and is a gentleman of very large property in the county of about 7,000*l.* per annum.

4738. Did he take part as a landlord or as a clergyman?—As a landlord.

4739. Is he the incumbent of any parish?—Not at all.

4740. Does he officiate any where?—No.

4741. Have you known instances in which Protestant clergymen have interfered in elections?—Not in the county of Kerry.

4742. Any where else?—I am not acquainted with any other part.

4743. Did you ever hear of a Protestant clergyman employing ecclesiastical censures for the purpose of influencing votes at elections?—Never.

4744. Did you ever hear of a Protestant clergyman threatening to put one of his parishioners out of his flock because he did not vote as he pleased?—No, I never did.

4745. Do you mean that none of the clergymen of the church of England ask for votes?—No, I do not mean to say that.

4746. What species of interference do you allude to?—Public interference; appearing on the hustings, and so on.

4747. Did any Protestant clergymen canvass the electors?—I believe they did.

4748. Did any of them say that the Protestant religion and the Protestant church was at stake?—I believe such speeches have been used; but I have not heard that they were used in Kerry.

4749. Did you ever hear an instance of a Protestant clergyman mentioning any election matters in the church?—I never heard of it.

4750. Have you ever had reports made to you that a Protestant clergyman has, during divine service, mentioned the names of the candidates, and desired the people to vote in a particular manner?—Never.

4751. Did you ever see or hear of a Protestant clergyman wearing an orange scarf in the church?—I never heard of it.

4752. Have you ever heard, in the county of Kerry, of what is called the "Patriot's Curse?"—I have.

4753. Have you got that paper?—No, I have not; but I think it right to show a report which I got with respect to that.

4754. Was it in answer to a letter of yours?—It does not appear to be an answer to a letter of mine, but it was so in point of fact. I will just explain the circumstance: The first time that I ever heard of the Patriot's Curse was from a report that appeared in the newspaper. It appeared odd to me that such a document should be posted up in the town of Listowel without its having come to my knowledge, and therefore I wrote to the officer of the district to know if he had heard of such a thing, or if he had seen it, and if he had, to account for his not having reported it; and this is the letter which I received in answer to that. It is dated the 2d of February 1835, from Mr. Brady, the officer of Listowel. He says, "On last night, I read in the Limerick Herald the 'Patriot's Curse,' said to have been posted in this town on Sunday the 18th ult.; you may well conceive my astonishment on the perusal of this document, which caused me this day to probe into the reality and circumstances connected with it to the utmost of my humble abilities, and therefore have to report as follows: That the man of whom I wrote to you on the 30th ult. had, about the hour of seven o'clock, on the morning of the 18th ult. found posted on the window of Mr. John O'Connor, tobacconist, of this town, the 'Patriot's Curse,' which he then took down. The said person subsequently went to the chapel gate, about the hour of 11 o'clock, A. M. same date, while the people were at mass, and took off the pier of the gate a second copy. He then carried these documents to ——— to whom ——— gave them, and which ——— took to Tralee, and handed to the Reporter of the London Times newspaper. The information I now submit I have received from the said ———, whom I asked why he had never mentioned the affair to me. He replied, insignificantly, he did not conceive it necessary. I am here to mention, that ——— is a man of doubtful character and very limited means, yet a person who has got a good education and is said to be a classical scholar. ——— when spoken to by a respectable inhabitant of this town, as to why he had not mentioned the circumstance before to me, he replied, 'What is Capt. Brady more than any common policeman? He is no magistrate.' I am further to add,

that

that I have called on the police under my orders here, who collectively and individually state they never heard of the 'Patriot's Curse' until it appeared in the public papers. This party is composed of three Protestants and three Roman Catholics."

4755. What is the date of your letter to which that letter was an answer?—It must have been a couple of days before this. This is dated the 2d of February.

4756. Did you ever inquire of Mr. O'Connor whether there was any such thing upon his window?—No; because upon Mr. Brady's report to me as to the character of ———, I thought it a very doubtful matter.

4757. Do you know any thing more of the Patriot's Curse than that letter states?—Nothing whatever, except what I saw in the paper.

4758. You must have seen a report in the newspapers somewhere about the 29th or 30th of January?—I saw that report before I wrote the letter.

4759. From the time when the Patriot's Curse was alleged to have been put up, which was the 18th of January, till the time when you wrote to make inquiry about this on your first hearing of it, a week or ten days at least must have elapsed?—Yes, of course, because it appeared first in the Times, and was then copied into the provincial papers, and it was in a newspaper that I first saw it.

4760. You said that you heard of one person having been injured by an exclusive system of dealing in Tralee?—He swore to it.

4761. Did you hear of any other persons having suffered in Tralee for voting for the popular candidates?—Yes.

4762. Have you heard of any cases in which persons have lost situations in consequence of having voted for the popular candidates at the election?—I heard that two serjeants of the militia had lost their situations in the militia for voting for the popular candidates.

4763. Who was the colonel of the militia?—Col. Crosby; that was the report on one side, and I heard on the other that they were dismissed for impertinence to Col. Crosby.

4764. Were they dismissed shortly after the election?—I believe immediately after or shortly before.

4765. Have they been reinstated?—I have heard so.

4766. Have not you heard that one or both of those men had at a former election voted contrary to the wish of Col. Crosby, and yet was not dismissed?—I do not recollect that I have.

4767. In cases where no threats have been used, either by landlords or priests, which do you think the influence of familiar intercourse, fellow feeling in politics and a habit of seeking advice in other matters, would induce a person to seek advice from the priest or from the landlord?—I think from his landlord in temporal matters.

4768. From your experience of elections in Ireland, do you think it is the habit of voters ever, where there has been no intimidation used on either side, to go to the landlord to ask his advice on a political question?—I have not much experience of elections, but the impression upon my mind is, that the tenant would naturally go to his landlord for any advice.

4769. Do you think the tenant would consult his landlord in forming his opinion upon the tithe question, and be determined by the opinion of his landlord, whether he should vote for a candidate who supported the tithe system?—I do not know that he would go to any one for advice about it, because he is generally instructed.

4770. If the landlord were a Protestant and the tenant a Catholic, would not that be likely to render the tenant less willing to consult his landlord on political matters generally?—I hardly know how to answer that question. If a man was undecided how he would vote, and that no influence had been used one way or the other, I think his interest would lead him to vote with his landlord.

4771. That is to say, his landlord would have the power of obliging him in case he voted as the landlord wished, or of injuring him if he voted as the landlord did not wish?—Precisely so.

4772. In influencing the voters, which party is most apt to use threats, the landlord or the priest?—I think, although a threat may not be held out at the time, the tenant pretty well understands that if he does not vote as the landlord wishes, he is liable to suffer for it.

4773. Do not the tenants in general go with the landlords in England, where there is no interference of the priest?—Yes, certainly.

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4774. Did not the tenants in Ireland go with the landlords till the Roman Catholic priesthood interfered, and took a prominent part?—I understand it was so in the county of Kerry.

4775. Was not it so in other parts of Ireland?—So I have understood.

4776. Was it in consequence of their political feeling being with the landlords; or from the landlords being in the habit of ejecting those that did not go with them?—When political topics of such an exciting nature were not afloat, I believe the tenant did not much mind what the politics of the landlord were.

4777. Are you aware that it was the invariable practice either to eject or to distress for rent in case the tenants voted contrary to the wish of the landlord?—I have heard that that was the case, but in the county of Kerry, where almost all the tenants went against the landlord, I have not heard of more than one or two instances where the people were interfered with.

4778. That is since the last election?—Yes.

4779. But in former times when they did not go with the landlords, were not they either invariably distrained or ejected?—I did not hear that it was invariably the case.

4780. How many years have you been employed in the constabulary force?—About eight years.

4781. Has the interference of the priests within the last four years increased or diminished in matters of election?—I should say increased, certainly.

4782. Could the priests have had a motive personal to the Knight of Kerry, in influencing the voters against him, he having always supported the Roman Catholic claims?—I think it was a political feeling, not personal.

4783. He had never given them any offence by any sarcasms against their religion?—I never heard of any.

4784. Then the interference used against him upon the late occasion was purely political?—I think so.

4785. It being known that he who had represented the county for several years had always voted in favour of the Catholic claims?—Yes; I believe there was no personal hostility towards the Knight—I think it was completely political.

4786. Do you think the Knight would ever have been returned for Kerry, if he had not advocated the Catholic claims?—I cannot pretend to say what the politics of Kerry were before my time.

4787. Have you heard that if he had not voted for the Catholic claims, he would not have been returned for Kerry at any period?—I believe it was a very strong feature in support of his election.

4788. Were the politics of the Knight of Kerry, as a candidate, in your opinion, opposed to the political opinions of the majority of the voters of the county?—I should certainly think they were, because the tithe question was one in which the populace took an interest, and of course they were adverse to the tithes; and therefore I think that the political opinion was strongly against the Knight of Kerry's politics.

4789. Supposing there had been no influence exercised, either by the landlord or by the priest, how, in your opinion, do you think that those men would have voted, for or against the Knight of Kerry?—I conceive that the influence of the landlord never can be shut out from the mind of the tenant; and whether the landlord does or does not intend to influence the tenants directly, I think the tenants would be more inclined to go with the landlord than against him.

4790. Why?—Because they conceive they would be injured if they did not.

4791. Supposing such a state of the county, as that that influence should be removed from their minds, and that they could give their vote in perfect secresy, then how do you think they would vote?—If they could give their votes without the landlords influencing them in any way, I think, upon a political question, where their interests are more or less affected, they would of course vote on the side of their political bias.

4792. You mean on the popular side?—On the popular side of a popular question.

4793. And consequently that they would have voted against the Knight?—That is the impression upon my mind.

4794. Do you remember that it was assigned, during the time of the passing of the Emancipation Bill, as a reason for disfranchising the 40*s.* freeholders, that they were driven up to vote like cattle to the market?—I have heard such observations.

4795. At the last election the present Member was returned against the Knight of Kerry, in consequence of the influence of the priests against the landlords; you state, that in consequence of that return, you know, and you have heard, but of few, if any, instances of punishment on the part of the landlord?—I have only heard, I think, of three.

4796. Were those cases of tenants who had voted against the Knight of Kerry?—Yes, certainly.

4797. Having before stated several cases in which individuals, who voted for the Knight of Kerry, have been punished, or had serious injury inflicted upon them, either personal or upon their property, can you state on which side the injury preponderated; whether on the side of the three cases, upon the part of the landlords who punished their tenants, or the individuals who were punished in consequence of voting for the unpopular candidate?—The persons who voted for the unpopular candidate.

4798. So that the success of the candidate does not at all allay the vengeance that is inflicted upon the individual who votes against him?—So it appears.

4799. Lord Kenmare has considerable property in the county, and he is a Roman Catholic?—He is.

4800. On which side was his influence given?—To the Knight of Kerry.

4801. How did his tenants vote in general?—Against him.

4802. Is he a good or a bad landlord?—He is counted a most excellent landlord.

4803. What influence was it, in your opinion, that induced the tenants of Lord Kenmare, being a Roman Catholic, to vote against his influence for the popular candidate?—Judging from every thing that has been reported to me, I conceive the influence of the priests.

4804. Was not the influence of the priests given ostensibly, according to Mr. O'Connell's wishes?—Certainly; and I also believe in consequence of the bishop's letter, for I understood that some priests were not at all inclined to interfere till they got that letter.

4805. Till the bishop's letter, many of the priests were not inclined to interfere?—Yes.

4806. So that the denunciation of Mr. O'Connell, which you heard at Tralee, together with the circular of the Catholic bishop, and the consequent interference of the priests, did turn the election in the county of Kerry against the wishes of the proprietors, many of whom were Roman Catholics, and particularly of Lord Kenmare, who is a large proprietor in that county?—Yes.

4807. Do not you think that the strenuous exertions of the priests arise, in a great measure, from the peculiar situation of the country?—They do certainly.

4808. There was a time when the priests did not endeavour to exercise influence upon the elections?—There was certainly, according to my knowledge of the country.

4809. And the same state of things might be reproduced?—It is possible.

4810. From one of the reports that you read, it appears to have been the opinion of the officer, that in the course of a week the whole excitement and intimidation would be at an end?—That is, the exclusive dealing.

4811. But if the landlord thinks proper to intimidate his tenants, has he not more permanent means of influence and chastisement?—He certainly has.

4812. Has not the priest still the power of influencing the mind of a Roman Catholic, who is his parishioner, by his spiritual intimidation from time to time?—Certainly from time to time; but what I meant to convey was this, that the tenant, by being put out of his farm, was permanently injured, and he had no means of support: but exclusive dealing may terminate very soon.

4813. Does not the influence of the landlord upon the tenant affect only his temporal interests?—Yes.

4814. Does not the influence of the priest affect his eternal interests?—Yes.

4815. In what police district of the county of Kerry are Lord Kenmare's estates situate?—In Killarney.

4816. Is that in the district of one of those police officers who has made no report with regard to the interference of the priests?—It is.

4817. Have you ever heard of the death's head and cross-bones having been actually put over the door of any person?—No, I believe it never was done.

4818. You stated you had heard of only three cases of ejectment; has there been time for an ejectment to be brought against a single tenant who voted against the

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the Knight of Kerry?—I believe there has; a quarter sessions has been held since.

4819. You have stated that the opinion of Roman Catholics of education, as well as the lower orders, is that the effect of that denunciation of Mr. O'Connell's, of the death's head and cross-bones, was to intimidate voters from voting for the Knight of Kerry?—That was the impression generally; that was the impression upon my mind.

4820. How long has the interference of the Catholic priests been actively exercised in election matters in the county of Kerry?—Since the first election at Tralee.

4821. That was immediately after the Reform Act?—Yes.

4822. To the best of your belief, had the Catholic priesthood before that time taken an active part in the elections?—I believe not; and to my own knowledge I do not think they ever did.

4823. To what circumstance do you ascribe the commencement of that active interference then for the first time?—I ascribe it myself to the first agitation of the tithe question.

4824. And till that cause came into operation, the interference of the priests as a body had not been active?—I think not.

[*The Witness delivered in the following Letters.*]

Dear Sir, Castle, 31 January 1835.

I AM much obliged to you for your constant communications on the subject of the elections.

I receive from various quarters reports of the intimidation exercised by the priests over the Catholic voters, and many instances have been communicated to the Government in which the desire on the part of the voters has been to support their landlords, but have been prevented by the denunciations of their clergy. There are also cases in which voters have asked for protection.

You will be so good as to forward to me a short abstract of cases of intimidation, &c., that have come to your knowledge during the elections in the south, as well as the opinion of any of the magistrates with whom you may have been in communication.

Also as to the effect produced by the precautionary measures adopted by the Government on requisitions from the Sheriffs, of moving troops and police into contested counties prior to the day of election; the question of military interference in the election may come before Parliament, and the means of full explanation should be at hand.

Major Miller, &c. &c. I am, &c. &c. (signed) *H. Hardinge.*

(Strictly confidential.)

Sir, Constabulary Office, Tralee, 4 February 1835.

I AM to request you will furnish me with any well authenticated cases in which priestly * interference or direct intimidation have been exercised to prevent voters, during the late elections, from giving their support, which they were otherwise disposed to give to their landlords.

* By exhortations from the altar, or otherwise.

Should you know of any such instances, it is advisable, in all practicable cases, they should be sustained by affidavits.

I am, Sir,

Stephen Burke, Esq. Your obedient humble servant,

H. J. Brownrigg, Sub-Inspector.

Sir, Killarney, 7 July 1835.

As I could not furnish you with any well authenticated case of priestly interference during the late elections, I did not consider that your strictly confidential letter of the 4th February 1835, required an answer.

I have the honour to be, Sir,

H. J. Brownrigg, Esq. Your obedient humble servant.

Stephen Burke, C. C.

Dear Sir, Dingle, July 9, 1835.

I HAD no case to report in which priestly interference or intimidation was used during the late election; a great many reports were in circulation at the time, but I could not procure any person that would come forward and make affidavit to any report that I heard.

I remain, dear Sir, yours faithfully,

William John Lawrenson.

Sir, Constabulary Office, Tralee, 10 July 1835. *H. J. Brownrigg Esq.*

I HAVE the honour to acquaint you, that upon search in this office, not finding the reports alluded to in my evidence, from chief constables Burke and Lawrenson, as required by my circular of the 4th February 1835, (one of which is herewith sent), I communicated with those officers on the subject, and beg to transmit their replies, by which it would appear that their former communications must have been verbal and not written, as I had supposed. 24 June 1835.

The accompanying documents being originals, I shall feel obliged by your being so kind as to have them returned.

I have the honour to be, Sir,
Your most obedient humble servant,
To W. H. Ord, Esq. *H. J. Brownrigg.*
Chairman Intimidation Committee, House of Commons.

My dear Sir, Cork, 2d February 1835.

SIR Henry Hardinge has called upon me to furnish him with an abstract of cases in which priestly interference or direct intimidation have been exercised to prevent voters from giving a support which they were otherwise disposed to give to their landlords; if you can send me statements of any authenticated instances of such coercion, be good enough to do so. A well sustained case, sustained if possible by affidavit, is worth dozens of vague stories. Bear in mind that your facts may be sifted in Parliament, and be cautious accordingly. The question of military interference may be raised; I presume you can adduce abundant evidence of the necessity for the demands made for reinforcements of troops, as a precautionary measure, previously to the election.

Sincerely yours,
W. Miller.

Is there any truth in the statement in the Times of the circulation at Listowel of the "Patriot's Curse?" If so, why has it not been reported?

H. J. Brownrigg, Esq.

Sir, Cheltenham, 30th June 1835.

I HAVE the honour to transmit herewith a copy of one of the reports alluded to in my evidence before the "Committee on Bribery and Intimidation at elections in Ireland," and which I was directed to furnish in the form in which it is drawn up.

I have the honour to be, Sir,
To William Henry Ord, Esq. M. P., Your most obedient humble servant,
Chairman of the Committee on *H. J. Brownrigg*, Sub-Inspector.
Bribery and Intimidation at Elections in Ireland.

ABSTRACT of CASES capable of proof, in which Priestly Influence and Intimidation were used during the late elections for the borough of Tralee and County of Kerry.

1. Rev. (A.), parish priest of (B.), marched through Castle Island to Tralee, at the head of a large body of freeholders, to vote for O'Connell and Mullins.
2. Rev. (C.), of (D.), marched into the town with a large number of freeholders; a piper was riding behind the priest.
3. Rev. (E.) marched at the head of a body of freeholders from the Dingle Side, with a green flag.
4. Rev. (F.) also marched into town at the head of his parishioners, with a green flag and music.
5. Rev. (G.), of (H.), immediately before the election, addressed his parishioners from the altar, stating that "any person who would vote for Mr. Denny, would vote against his religion."
6. Rev. (I.), parish priest of (K.), previous to the borough election, sent twice for Mr. (L.), and also twice for his wife, to influence the vote of said (L.), without effect.
7. Same priest endeavoured to influence another voter, named (M.), on two occasions.
8. During the county election, on the night of the 22d January, said (M.'s) house was entered by a mob, who forced his door; the mob was headed by Rev. (N.), Messrs. (O. and P), and several others; threatened said (M.), and dragged several of his lodgers out of their beds, searching for freeholders; the next morning the Rev. (E.) came with a mob to said (M.'s) house, and threatened and abused him for going against his religion.
9. Mr. (Q.) knows a freeholder from Dingle named (R.); was told by said person that he never could face home if he went against his clergy, and would rather not vote, as he would be ruined by going against his landlord; said (R.) concealed himself in a house opposite to (Q.'s), but was found and brought into said (Q.'s) shop by the Rev. (N.) and another person, who gave him two glasses of brandy, and then took him to vote.
10. Rev. (S.), parish priest of (T.), came into town with a body of horsemen, all decorated with green boughs; when opposite the Knight of Kerry's committee rooms, the priest halted the cavalcade, took off his hat, and ordered them to cheer, &c.

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11. Rev. (T.) interfered with a voter in one of the booths.

12. Rev. (U.), during the election, addressed a large mob in the town of Miltown, telling them that the priests were doing their duty to their "priests and their God, &c."

1 Mr. (V.), a respectable shopkeeper, heard a priest remonstrating with a voter in the streets, and, amongst other things, asked him "if he was not aware that he could bring his soul out of Hell?" the voter answered "he was sure of it," and then promised to vote for his religion.

14. The Sunday before the election the Catholic priest of (W.) addressed his parishioners from the altar, desiring them to vote for their religion, &c.

15. The parish priest of (X.) was very active before and during the election.

16. The parish priest of (Y.) told his parishioners in the chapel, "that any one who voted against his country should be marked out of the flock."

17. Shortly before the election Mr. (Z.) and his son were at the chapel of O'Dooney, upon which occasion the priest made a speech from the altar, directing the people to "vote for Mr. Morgan J. O'Connell;" they shouted out "they would," and groaned for the Knight.

18. The Rev. (A.), parish priest of (B.), addressed his parishioners from the altar on the subject of the election.

19. Also the following priests, viz.; Rev. (I.) and the coadjutor priest of (C.), the parish priest of (C.), had promised Lord Listowel's agent not to interfere, he, however, deputed his curate to do so.

20. Four priests went to the house of a voter (D.), during the borough election, to induce him to vote for Mr. M. O'Connell.

21. Mr. (E.), of Tralee, innkeeper and part proprietor of public cars between Tralee and Dingle and Listowel, was threatened by a person named (F.), "that if he should vote for Mr. E. Denny, he should take his car off the road, and he was desired to tell him so by the Listowel people, who had sent him to Tralee for that purpose."

Mr. (G.), of Listowel, partner with Mr. (E.), told him, said (E.), "that if he continued him as a partner, he might shut his door, and that Mr. (Z.) had directed him to separate from him (E.) Mr. (E.) asked Mr. (Z.) if this were true, when he admitted that it was." Mr. (G.) has dissolved partnership with (E.), by which he (E.) has sustained a serious loss.

Mr. Daniel O'Connell likewise canvassed (E.), and in consequence of his vote represented him as a vile Orangeman, to injure his business.

22. Mr. (H.), partner with (E.) in the Dingle car, was offered 50*l.* by Mr. (Z.) to discontinue his partnership, which he refused.

23. During the county election the priests were most active in the different booths, acting as agents; many of them had freeholders' certificates in their pockets, which they produced on the freeholders coming up to poll.

This document was accompanied by Leggett's affidavit.

H. J. Brownrigg, Sub-Inspector.

Sabbati, 27° die Junii, 1835.

JOHN PARKER, ESQUIRE, IN THE CHAIR.

Matthew Singleton, Esq., Chief Magistrate of Police, called in; and Examined.

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4825. HOW long have you acted in your capacity as stipendiary magistrate?—Four years last May.

4826. Where were you employed during the late election?—In Queen's county.

4827. You were sent there expressly for that purpose?—Expressly.

4828. Did you find that county in a state of violence and intimidation arising out of the expected election?—Great excitement and intimidation prevailed all throughout the county.

4829. In your opinion, was it necessary to call in the aid of troops for the protection of all parties?—Absolutely necessary; if it was not for the aid of the troops and the civil authorities, in my candid opinion freeholders could not and would not go to the poll.

4830. That is to say, they were afraid of personal injury?—They were.

4831. Was the conduct of the military during the election such as to avoid being partisans on either side, but merely giving assistance for the purposes for which they were sent?—The military that were under my observation, their conduct was praiseworthy;

praiseworthy; they never interfered in the slightest degree with the freedom of election, but were employed for the protection of the freeholders going to and returning from the poll, and for the peace of the county.

4832. Do you think there could be any thing like a fair election, without the interference of the military in Queen's county?—By no means.

4833. You are acquainted with Mr. Wray, the sub-inspector of that county?—I am.

4834. Do you consider that any reports and depositions that he may have made during that election are worthy of credit?—Quite so; there is not a more honourable officer in the police service of Ireland; he is quite incapable of representing any thing unless the facts.

4835. The Committee will read to you a deposition taken before you on the 14th day of January.—"The information of ——— of the lands of ——— barony of ——— in said county, who being duly sworn and examined, saith, that he is a registered freeholder for said county, and that he promised to vote for Sir Charles Coote and the Honourable J. Vesey, at the ensuing election for said county; saith, that on the evening of Friday the 9th instant, a great number of persons came near informant's house, among whom was the Rev. ———, Roman Catholic curate for said parish; in a short time after, several others therein named came from said persons so assembled to informant's house; saith, said ——— called for informant by name, and on being told that informant was not at home, he replied that he was, and that he should vote for their side, meaning Messrs. Lalor and Cassidy, and that he should so vote, whether he pleased or not; and that if he did not so vote, he, informant, should not be here (meaning his house) any longer; and that the said ——— frequently made use of similar threats during the time he remained in and about informant's house; saith, the aforesaid ——— stated at the time that he was sent by the Rev. ———, parish priest, and his curate Rev. ———. Sworn before me this 14th day of January 1835. Signed, M. Singleton." Do you recollect that deposition having been taken?—I took it; the original is in my hands here.

4836. Have you reason to believe that that affidavit is substantially true?—Perfectly so.

4837. Then you are of opinion that the interference of the Rev. Mr. ——— in the manner set forth in the deposition is accurate, and that the concluding part of the deposition, that he was sent by the Rev. ———, the parish priest, is also true?—I believe it to be true, and I believe that the said party went to that man's house for the purpose of intimidating him, and he ——— told me, that he would not vote if additional policemen were not sent to ———, which was quite close to his house; and I told him at the same time, that he would get all the protection in my power.

4838. How did this man vote at the election?—I have reason to believe for Sir Charles Coote and Mr. Vesey.

4839. There is a letter from you, dated the 18th of January 1835, addressed to Sir William Gosset:—"Sir,—Such is the state of intimidation in this district, that a respectable Roman Catholic named ———, just quitted his house, being apprehensive that he would be seized by persons, and carried to Maryboro' to vote contrary to his wish for Messrs. Lalor and Cassidy; he has placed himself in the house of ———, a magistrate, for personal protection, and will proceed to-morrow morning with me under an escort, and poll for Sir Charles Coote and Mr. Vesey. A voter named ——— having voted for Messrs. Coote and Vesey, his sister was actually turned this day out of her parish chapel (———). I will use my best efforts to afford all such persons all the aid in my power."—That is perfectly true; I had that information from the man himself; I met him on the road, and at the prior election he absolutely quitted his house and went into the county of Carlow, afraid of being seized and brought to vote contrary to his wish.

4840. Then it is not sufficient in Queen's county, that a man shall be neutral and not vote, but he is in danger of being seized by violence, and being forced to vote contrary to his wishes?—Yes; he remained in the county of Carlow at the prior election till the election was over; and during his absence a number of persons came to his house for the purpose of seizing him, and found him not there.

4841. You stated in this letter that "a voter having voted for Coote and Vesey, his sister was actually turned this day out of her parish chapel?"—I hold in my hand a deposition to that effect.

4842. Be so good as to read that.—"Queen's county, to wit. The information

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of ———, wife of ———, who being sworn and examined, saith, that her husband is a registered freeholder of said county, who promised to vote at the late election for Sir Charles Coote and the Honourable Thomas Vesey; saith, that on Sunday last, the 18th instant, she proceeded to the chapel of ———, in said barony, and on her entering the door of it, a man named ———, who was placed at the door of said chapel, prevented her from entering said chapel, and said to her at the same time for her to go to the party she joined, meaning the aforesaid Messrs. Coote and Vesey; saith, that she does not know the name of any person who was present on the occasion, and that the said ——— frequently told her she should not enter said chapel." Now, such was the state of this woman's mind, and the intimidation she was labouring under, that when I offered her the book to swear to it, she refused; and here is the certificate of the chief constable appended to it, viz., "I do hereby certify, that the above information was truly read by Mr. Singleton to the said ——— , who repeatedly admitted it to be true and correct, but she refused to sign or swear to it, alleging that if she did so, it would be the cause of further trouble to her, that she would be afraid to go outside the door of her house."

4843. Then she did not in point of fact swear to it?—No.

4844. Then, that case which she declined to swear to, do you believe that, in other instances in the county, the same intimidation has prevailed?—Yes.

4845. And therefore, though this instance is brought forward as a specimen of the existence of such facts, you believe it is by no means a solitary instance, and that it has prevailed to a large extent?—I believe it is by no means solitary, for I have other instances:—"Queen's county, to wit. The information of ——— ——— (in the same barony), who being duly sworn and examined, saith, that he is a registered freeholder in said county, that he had promised to vote for Sir Charles Coote and the Honourable Thomas Vesey at the present election; saith, that on the evening of Friday, the 16th instant, he received a message from ——— that he was wanting at home, on which he proceeded to his house, and there found the Rev. ———, Catholic curate of the parish, and upwards of 30 men, who brought him in his gig to ——— and left him in the house of ——— in charge of the said Rev. ———'s man. On yesterday morning the said Rev. Mr. ——— conveyed him, with two more freeholders, to Maryboro', where many persons told him that they would cut his ears off if he did not vote for Messrs. Cassidy and Lalor, and that he was in dread and terror of his life in said town; saith, his name was put upon a tally to vote for said Cassidy and Lalor, and brought to a booth to poll, and when asked by the deputy who would he vote for, informant then having protection, refused to vote, and retired from the booth; after which he went to the house of ——— for personal safety; saith, that for during a number of nights prior to the election, he was afraid to sleep in his own house, and that he did not sleep in any house for the second night, fearing being killed or severely injured; saith, that a number of persons repeatedly told him that his grave was made for him if he did vote for Messrs. Coote and Vesey; saith, that for not voting, he is now afraid to return to his house; saith, that he verily believes that many voters residing in the ——— are subject to the same intimidation as has been practised against informant, and that he is of opinion many voters were thereby compelled to vote, contrary to their wish, for Messrs. Lalor and Cassidy." He wrote his name ———, and when I handed him the book to swear, he also refused, and he put his finger across his name, and obliterated it, saying at the same time, that he could not return to his house if it was ascertained that he gave information against the priest.

4846. Do you consider that the fears of this man, and the information he has given, that others were in a similar state of intimidation, are perfectly correct?—I do.

4847. So that they are not only afraid of their lives if they vote for the person for whom they are inclined to vote, but if they are equally neutral, and do not vote?—It is equally as bad to stand neutral as not to vote for what is termed the "liberal candidate."

4848. Have you every reason to believe that the priest, the Rev. Mr. ———, did take this man, contrary to his will, in his own gig, and bring him to the house of another person, where he was kept, contrary to his wishes, as a prisoner?—He told me that he was kept so strict a prisoner that when he wanted to make water in the yard, he was attended by a person who was placed sentinel over him.

4849. Do you consider this to be, on the part of the priests (connecting it with the other

other case as mentioned against the Rev. Mr. ———) as at all solitary cases, or do you conceive that the influence of the priest has been exercised in other cases in a similar manner?—I conceive that those are only specimens of other cases of influence exercised by the priest in a similar manner.

4850. There is another letter of yours of the 18th of January 1835, addressed to the Government: "Enclosed you have the information from ——, of the ———, describing most violent conduct and threats for not voting against his consent for Messrs. Cassidy and Lalor. Such is the intimidation practised, that I am sure very many voters are dragged to the poll, and by threats and fear compelled to vote for Messrs. Cassidy and Lalor. Last night the sheriff's carriage and a number of voters, returning from ——— under my charge, were pelted with stones at different parts of the road, one of which struck myself on the arm. I am just proceeding to the ———, to afford all the aid I can to the intimidated voters. When I asked him to swear to the information, he refused to do so, and immediately blotted his name out from the terror under which he is." Does this information relate to the man of whom you have already given information?—It does. There is a respectable Roman Catholic of the name of —— ———, of the parish of ———, who promised to vote for Sir Charles Coote and the Hon. Mr. Vesey, and when his opinion was ascertained of that fact, there was the following notice served upon him: "Mr. ———, I expect you will not go against your country, for you have a large property, and your life is better than Sir Charles Coote; you have sons, and abide by the consequences. Signed, Captain Rock," a figure of a coffin and a man's head.

4851. When you say that notice was served upon him, was it put into his hand?—It was put into his house, after the door was closed, between the door, where he found it on the following morning prior to the election.

4852. By whom was it put in?—I do not know. There is another notice, No. 2: "Shemus Ahoca. —— ———, of ——, gave his vote to Coote, sold his country, denied Christ and his church, perjured himself, and joined the Orangemen. I hope you neighbours will all take notice of this, and withdraw your custom from him. Let his money that he found in the pot be reduced for the want of custom." This was posted.

4853. Where?—On the chapel gate, in the town of Stradbally.

4854. Do you know what the meaning of "Shemus Ahoca" is?—I do not. I have his information verifying these notices: "Queen's county, to wit. The information of —— ———, of ———, in the said county, merchant, who being sworn, saith, that some person or persons put the accompanying notice, marked No. 1, into his shop, through the door, on the night of Thursday, the 15th of January instant; saith, that his nephew, —— ———, brought to him notice No. 2, who informed informant that he took it down on Sunday last from off the chapel gate in the town of ———. Sworn before me this 21st day of January 1835. M. Singleton. —— ———." To show how far intimidation was carried, not only against electors who polled, but those who remained unpolled, here is a printed list of those who had polled, posted and circulated in the county, headed "A List of the tithe supporters who voted for Coote and Vesey and against the people. For the sake of your country forget not your friends, but particularly remember your foes:" in which Mr. ———'s name is.

4855. Was this posted immediately after the election?—During the election, after those persons named in it had voted, and before other voters had polled.

4856. Are you of opinion, from your knowledge of the county, that those threatening notices were merely threatening notices put into the house or posted up in the chapel door against Mr. ——— for the purpose of intimidation, or do you think, from your knowledge as a stipendiary magistrate of the county, that they were used by the Conservative party in order to bring the liberal party into disrepute, bearing in mind at the same time that these threats were calculated to make the man vote against the Conservative interest?—I am decidedly of opinion that that notice was put into the man's house in order to intimidate him from voting as he had promised. Of the second notice, I have no hesitation in saying the threats of the coffin there, and of violence to his person, would have been resorted to, if it was not for his residing in a large town. That notice says that no person should deal with him, and I remained in Stradbally for some days after his giving his vote, and no single person entered his shop.

4857. Do you think it likely that any persons in the Conservative interest would lend

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lend themselves, during the election, to the purpose of dissuading gentlemen from voting in their cause?—They are not capable to do so, and it is not likely.

4858. Therefore you have not any doubt in your mind as to the cause of those threatening notices, which were to have the effect of preventing a merchant, Mr. ———, from voting during the election?—Not the slightest.

4859. Did you quit Queen's county shortly after the election?—For three or four days I only remained.

4860. You are not competent to say what has been the effect upon his trade since that time?—No, I am not; but during the time I remained there, no person entered his shop.

4861. There is another letter of yours, dated "Stradbally, 23d January. Sir,—In obedience to your letter of the 19th instant, I proceeded on yesterday to the ——, examined —— ———, wife to ———, and sister-in-law to —— ———, freeholders in the interest of Sir Charles Coote and the Hon. Thomas Vesey, as to her being prevented from entering the parish chapel of ———, on Sunday last, and took from her the accompanying information, which she refused to sign or swear to, alleging that if she did so, she could not then even go out of her house, a certificate to which I had chief constable ——— to sign at the bottom of her information. Such freeholders as did not vote by the direction of the priests for Messrs. Cassidy and Lalor, contrary to their intention, are in the utmost state of fear, and no means are left in holding them up to the odium of the people throughout the country, in addition to their names having been printed and the lists posted. I send you enclosed the Maryboro' Independent newspaper, which also publishes their names, and calling on the public not to hold intercourse nor to deal with them. It will be most fortunate if such proceedings do not plunge this county again into a state of disturbance. I beg to add, that all possible means ought to be resorted to for the protection of the freeholders who came forward and voted conscientiously and contrary to the dictates of the priests and other persons, for if any of them should be injured, it would be the means to intimidate many freeholders at the next election from exercising their franchise in a free and constitutional manner." Have you that Independent newspaper?—I have.

4862. Will you state those passages in it which relate to this transaction?—"Independence of the Queen's county—Tithes or No Tithes. At a meeting of the freeholders and inhabitants of the parish of Raheen, in the Queen's county, held on Sunday the 4th of December, the Rev. Mr. Fanning, P. P. being unanimously called to the chair, and Andrew Moffitt, esq., appointed secretary, the following resolutions were unanimously adopted." I shall read one proposed by Mr. Patrick Hook, and seconded by Mr. Patrick Phelan: "Resolved, that we feel it our duty to esteem every man an enemy to the well-being of society, but particularly to this county, who will support directly or indirectly any other candidate than Messrs. Lalor and Cassidy at the ensuing election; that we will hold such person or persons as unworthy of the *ordinary civilities of social* life; that we will have no *dealings* or *communications with them, further* than what the laws of christian charity strictly require, and that we will hold *them as abettors of human blood.*"

4863. Of what date is that?—It is the Leinster Independent of the 10th of January, five days previous to the election, but the meeting took place on the 4th of December prior.

4864. What interest is that paper in?—It is in the interest of what is termed the liberal candidates, Messrs. Lalor and Cassidy.—"At a meeting of the freeholders of the town and vicinity of Mountrath, on Sunday the 21st of December 1834, it was proposed by the Very Rev. Mr. P. Malone, and seconded by Patrick Lalor, esq., M. P., that Edward Cahill, esq. be requested to preside, and that Mr. Edward S. Egan be requested to act as secretary; when the following resolutions were unanimously agreed to:—Proposed by Patrick Lalor, esq., M.P., and seconded by William Egan, esq., That whilst we are determined to support those honest freeholders who may be oppressed for the honest exercise of their franchise by persecuting landlords, who, not content with extracting the last penny that can be made from the soil, also seek to turn to their own base purposes the franchise intrusted to the people for the public good; we also pledge ourselves not to hold neighbourship, to have any dealing whatsoever with those persons who shall by their votes inflict the deadly injury on the country of returning Tory conservatives

servatives for this county." That resolution was proposed by Mr. Lalor himself, one of the candidates.

4865. Who was in the chair?—It was "proposed by the Rev. E. Conroy, and seconded by Mr. Lalor, M.P., That the thanks of the meeting are hereby given to Edward Cahill, esq., for his proper conduct in the chair."

4866. Who is the Rev. E. Conroy?—I suppose a Roman Catholic clergyman. —"Representation of the Queen's county—Tithes or No Tithes. At a meeting of the freeholders and inhabitants of the parish of Upperwoods, held on Sunday, January 4th, 1835, it was moved by Daniel Egan, esq., and seconded by E. J. Maher, esq., that John Treney, esq. do take the chair. Resolved, that we are determined to support such honest freeholders as may be persecuted by their landlords for their honest votes, and that we hereby pledge ourselves to hold no neighbourship whatever, with any man who will by his vote endeavour to return the Conservative candidate, and thereby secure the continuance of the tithe system."—"Independence of the Queen's county—Tithes or No Tithes. At a meeting of the freeholders and inhabitants of Mountmellick, held on Sunday the 28th of December. The Rev. Mr. Healy, P. P., being called unanimously to the chair, and Mr. Wall appointed secretary, the following resolutions were adopted:—Resolved, that whilst we are determined to support those honest freeholders who may be oppressed for the honest exercise of their franchise, by persecuting landlords, who, not content with extracting the last penny that can be made from the soil, also seek to turn to their own base purposes the franchise intrusted to the people for the public good; we also pledge ourselves not to have any dealing whatsoever with those persons who shall by their votes inflict the deadly injury on the country of returning Tory conservatives for this county."

4867. What do you consider to be the effect of those publications on the minds of the lower classes in Queen's county, as calculated to intimidate them from voting as they pleased?—Quite so. It was for that purpose, I have no hesitation in saying, that those resolutions were formed and promulgated.

4868. You said that you knew Mr. Wray, and that he was a gentleman of unimpeachable honour and character?—He is.

4869. There is a report made to the Government sent from the chief constable Wray, and signed by a chief constable of the name of Foot; are you acquainted with Mr. Foot?—I am perfectly.

4870. Is he in your opinion a person whose official reports you would attend to, as being entitled to credit if they were made to you?—Most certainly.

4871. There is a report from him, "Abbeyleix, dated 3d January 1835," which is addressed to sub-inspector Wray: "I have the honour to acquaint you that it has been this day reported to me, by constable Clendinning, in charge of the Ballinakill detachment of constabulary under my superintendence, that on the 1st inst. about five hundred persons assembled after mass in Ballinakill; the parish priest, Mr. ———, in the chair; on which occasion there was much uproar, and the cry was 'No tithe.' In the speeches alleged to have been delivered by Messrs. ——— and ——— concerning the approaching election, it is stated that they said whoever voted for the Conservatives, or any person that was for tithe, should be branded like cattle going to a fair, and no person was to have any dealing whatever with him. (signed) J. Foot." There is an extract from the report of the chief constable Williams to Mr. Wray: "About 7 o'clock in the evening of the 7th inst. a party of armed men went to the house of ———, of ———, and beat him severely, and gave him a stab of a bayonet in the back, in consequence of his refusing to vote for Mr. Lalor, who is a candidate for this county." There is an extract from the report of chief constable Henderson to sub-inspector Wray, dated Mountmellick. Are you acquainted with chief constable Henderson?—I am not.

4872. "The constable stationed at Rosenallis has just forwarded to me two notices which he took down from the church and chapel walls in that place, threatening severe punishment on any persons who will deal with ——— of Rosenallis, shopkeeper. The reason he gives for those notices being posted is, because he refused to promise his vote to Mr. Lalor at the approaching election." Was not that description of notice frequently resorted to in the Queen's county, in order to intimidate or to punish those who had voted contrary to the wishes of the popular candidate?—They were, and if I do not mistake, during the election a freeholder of Sir Charles Coote's, his house was broken into by night, and he was severely wounded; the reason that makes me think so is that I saw printed proclamations

clamations posted through the county, offering a handsome reward for the apprehension of persons who so broke into his house and wounded him.

4873. Are you acquainted with chief constable O'Brien?—No.

4874. Chief constable O'Brien sends a report of a constable of the name of Narme, dated the 13th of January, which was sent to the Government: "I have to inform you that yesterday evening about 4 P. M. a man named ———, one of Sir C. H. Coote's freeholders and tenants, was returning from Ballyfin House to his home, where he lives in ———, and going through ——— he was waylaid by two men, one armed with a stick and the other with stones, who knocked him down and violently beat him, put five large cuts in his head when down, and lumps on his arms when he was trying to save his head. He now remains at Sir C. H. Coote's in a dangerous state. The fellows asked ——— first who would he vote for, or was he making interest for Sir Charles Coote." Do you believe that those circumstances were so common in the county, that you do not discredit the report which has been read to you?—I have not the slightest doubt.

4875. You believe the statement to be an accurate one?—I do.

4876. Do you know Job Green, esq. a resident magistrate?—I am not acquainted personally with him; I know that there is a magistrate of that name, he is resident magistrate of the county of Kilkenny.

4877. Here is the extract of a report made by the constable to Mr. Green, dated Bownyarrow, 19th January 1835: "I am informed that on yesterday, that is Sunday, the Rev. ———, parish priest of ———, stated to his congregation at the chapel, that he would give his curse to any one that would vote against his country; that they had been trampled on for 300 years, that now was the time that they should gain their freedom, and that any man that would give his vote against his country should be marked, and that he would mark them himself. The same intimidation has been used at Abbeyleix; as soon as I can get all properly authenticated, I will send you a confidential report without delay. On my return this morning, near the Swan Inn, I saw a large body of men, upwards of 200, armed with all manner of bludgeons, forcing some of Sir Henry Parnell's tenants to go with them to Maryborough; one of them, named ———, was taken out of a sick bed and forced into a cart; I had but one man with me, and I sent him off to Mr. Morton, chief constable, to Wolfhill, to let him know what was going on at Slatt." Is Sir Henry Parnell a relation of Lord de Vesci?—He is.

4878. And therefore it is natural to suppose that he, being a relation to the candidate, would give his support to that individual?—Yes.

4879. But those individuals forced them to vote for the other candidate?—Yes, I am credibly informed that they took away one of Sir Henry Parnell's voters to the poll, and compelled him to vote contrary to his wish for Lalor and Cassidy, and with respect to Mr. ———, I afterwards had it on oath that the parties referred to in the letter went through the county in the manner described, armed with sticks, and came from the neighbouring county of Kilkenny.

4880. From what you have heard during the election, do you consider that the circumstance of the priest in his chapel addressing his congregation in an inflammatory style, and urging them to vote for the popular candidates, against the other candidates in the county, is liable to great suspicion as being an unlikely circumstance, or should you say from the impression of your mind, that it was a circumstance that had occurred?—I should think it was a circumstance that had occurred, and similar circumstances have occurred throughout the county.

4881. You have no doubt of the fact?—Not the slightest doubt: when I examined persons upon oath relative to the county of Kilkenny men going through the county intimidating the voters, I ascertained that the parish priest of the chapel on that Sunday also called upon the people to go forward and to vote.

4882. That is to say, during the time of divine service, whilst he was probably in his dress as a clergyman within the walls of the chapel?—Yes.

4883. Do you know the way in which he addressed them?—I do not know, but I heard he exhorted them so, leaving them no choice to vote.

4884. Do you mean that he gave them his opinion, that that was the proper way in which they should vote, and that it was their duty so to do; or that he stated the unpleasant consequences that would result to them if they did not vote in that way?—I mean to say, that I was informed that he said, that those who voted for Sir Charles Coote and Mr. Vesey would vote against their country and their church.

4885. Did he say any thing to excite the remaining people that heard him to ill-

ill-use voters that voted for Sir Charles Coote and Mr. Vesey?—I cannot say that.

4886. What do you consider would be the consequence of a priest holding up a man as an enemy of his church in the face of a Roman Catholic congregation?—I think a man's property would be in great danger without his using any specific threat.

4887. Then you think that the threats were not conveyed in plain language, but language was used which would have the effect of provoking the minds of the rest of the congregation against certain individuals?—I am of that opinion, and in the Queen's county I have no hesitation in saying, that any person that would vote contrary to the wishes of the priest, if he attended any fair or market, and if he was pointed out by an individual as having voted for the Conservative candidates, that strangers to him would fall upon him and give him a most unmerciful beating.

4888. Is not that of frequent occurrence?—Yes.

4889. Would you confine that observation to the Queen's county?—No; I should think it is generally the case in Ireland.

4890. Has your experience extended to other counties in Ireland besides the Queen's county, or do you know of any other county from your own observation?—My experience extends to several counties.

4891. What counties?—I have been in Tipperary, Kerry, Galway, Queen's, Antrim, Derry, Carlow, and Kildare.

4892. You have been therefore very generally employed?—Very generally.

4893. You were sent down expressly by the Government to assist during the election in keeping order and tranquillity in the Queen's county?—I was.

4894. Do you mean to say, that the transactions that took place during the election at Queen's county were, from your own experience, confined to that county, or that where there were contested elections in other counties similarly circumstanced, the same description of outrage was committed that was committed in the Queen's county?—I am of that opinion.

4895. Therefore, without going into all the details of cases, you think that the circumstances you have stated are fair samples of intimidation that occurred in other counties?—Quite so. I had it from a person whom I believe, who informed me about five or six weeks ago, that the freeholders who had voted for a candidate, I believe Mr. Ponsonby, were violently beaten and waylaid on their return from the fairs and markets after the election.

4896. Are you aware of any cases in which, from the altar during divine service, the priest has taken a decisive part in the election?—I heard they generally did so.

4897. From your own knowledge?—Not from my own knowledge.

4898. Is it not very difficult for any person in your situation, and not being a Roman Catholic or frequenting the chapels of Roman Catholics, to know these facts from your own knowledge?—It would be impossible, and the persons who were present would scarcely give information of the fact.

4899. Are you not aware when His Majesty's troops are in chapels attending divine service, the priests made use of such inflammatory expressions that the officers have ordered the troops to leave the chapels?—I have heard of that repeatedly, that the priests at the altar made use of such inflammatory language that the officers in charge of the military felt themselves compelled instantly to remove their troops out of the chapels.

4900. Have those officers reported the circumstance?—They have.

4901. And their reports can be produced?—They can, I have no doubt; but that they are specially reported to the Government, and believe that they appear upon the evidence given on the state of Ireland.

4902. Here is a report from the chief constable O'Brien to sub-inspector Wray, dated Maryborough, the 25th of January: "Sir,—I beg leave to inform you, that as Mr. ———, of this town, was going into the chapel this morning to hear first mass, he was wantonly assailed by a number of persons, who in a violent manner dragged him out of the chapel-yard, and one man gave him a blow on the head, which knocked off his hat; the general cry amongst the crowd was, 'Throw him into the river.' Soon after, Mr. ——— having made his escape, his son ——— went to the chapel accompanied by the Rev. Mr. ———, to whom he had mentioned the attack that had been made on his father, when a great number of persons rushed up on the gallery after young ———, and would have succeeded

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in turning him out also, were it not for the interference of some gentlemen who turned them down the stairs. The reason of this attack is, I understand, for Mr. ——— having voted at the late election for Sir C. H. Coote and the Hon. Mr. Vesey, which Mr. ——— informs me had been publicly declared after prayers on Sunday last by Mr. ———?—I believe that to be true, and here is an extract of it printed in a slip from the Leinster Express office, January 31st, 1835.

4903. Is the Leinster Express a Conservative newspaper?—Yes, it says that his person was secured by the interference of the parish priest, who is a very respectable clergyman, and I say there are more respectable clergymen in the Roman Catholic church.

4904. He protected this individual?—I have no doubt that he did.

4905. That was on Sunday that he was so beaten; but here is another report, which states, "As Mr. ———, an old and respectable shopkeeper in this town, was returning from the chapel to his house after hearing prayers, he was violently assailed by two persons yet unknown, who rushed from a crowd that were reading placards which were posted on a gate; they threw him into the river; one of the ruffians kept him for a short time under water until he was rescued by two women passing by. Mr. ——— having subsequently declared his wish to go with his son to second mass, called upon H. B. Wray, esq., s. 1. for protection, who immediately ordered me with my party to escort them to and from chapel, and to protect them or any other individuals towards whom any violence or injury should be offered; soon after reaching there, the congregation became so excited at the idea of the police having been ordered there to protect those persons whom it was evidently their intention to abuse and assault, the greater part of them rushed out, and became so infuriated that it prevented several others from going in, as well as having been commanded not to go. Then Mr. Wray, after remonstrating a good deal with them, deemed it necessary to call out a party of the military to assist in preserving the peace. The following article representing this occurrence,

27th." Here is a statement on the one side, and a counter statement on the other side, signed by Mr. O'Brien, who makes use of this expression in his reply: "Instead of eight most furious Orangemen, those at present employed by the constabulary, only five Roman Catholic policemen, with myself, who am also of that persuasion, enter the chapel, and so far from forcing our way

when Mr. Wray was obliged to interfere on the Tuesday." The person who made the original report to the Government, namely, chief constable O'Brien, states in his public letter, that he is himself a Roman Catholic; have you therefore any doubt that the report made by chief constable O'Brien of what took place in the chapel is a true account?—I believe it to be true, and I am positive that Mr. Wray would not forward it if it were not so.

4906. Here is one from chief constable Moreton to sub-inspector Wray, dated 25th January: "I have been informed that on this day, Sunday the 25th instant, when the Rev. ——— at the chapel of ——— commenced speaking to his flock relative to the bench or pew of ——— being carried off the evening previous, as also endeavouring to convince the people that ———'s reason for not going forward and voting for Messrs. Lalor and Cassidy was owing to his not being in good health. However, such is the feeling of the people towards ———, that they would not listen to the reverend gentleman, but hooted and made such noise that he could not be heard, so that he was obliged to decline saying any thing on the subject. After prayers were concluded, the people assembled on the road convenient to this barracks, and took a man named ——— on their shoulders, carried him about the chapel-yard, and then into the chapel, where I understand they gave him possession of ———'s place in the chapel, or where his seat was, and kept up continued cheering or shouting for some minutes. There were some of ———'s family at prayers, who were necessitated to remain in the chapel for some time, until the people had all nearly dispersed, owing to the threats held out against them. On their proceeding home they were hooted at, and shouts continued after them, until they arrived a their house." Is that a common practice, to dispossess persons that are proprietors of pews?—I never heard of it before; but I have heard of pews being broken up since the last election.

4907. Is

4907. Is it a common thing to have pews in chapels?—No, but there are some, and seats.

4908. What do you mean by seats?—Forms; but there are pews, but very few; a few of the better class have pews, and others may have seats with a rail at the back.

4909. Do you mean, when you state that they broke down the seat, that they took the form out?—Yes, in some instances.

4910. Do not you know that it is only a matter of courtesy on the part of the parishioners, the permission of pews in chapels?—I do not know that; but I should think it is not, for I believe people get accommodation by the amount of contribution to the chapel.

4911. That is your opinion?—Yes.

4912. Here is a letter to the sub-inspector, 15th of January, in which it is stated "that the forms and other seats belonging to Mrs. ——— and ——— were this day taken by the mob, who attended the chapel at ——— in the barony of ——, out of it, and broken in pieces; and at the same time ———'s son was hooted and kicked out of the chapel, and Mrs. ———'s daughter abused, and prevented from entering it. This outrage was committed in the presence, and contrary to the express desire, of Mr. —— the coadjutor priest of the parish, in consequence of —— and —— having refused to exercise their privilege of voting at the last election of this county, in support of Messrs. Lalor and Cassidy." Do you consider that this violence and injury to individuals and property is exercised for not voting against Protestants as well as Roman Catholics, or that Roman Catholics are not visited with so much vengeance as Protestants?—I think Roman Catholics are visited with greater vengeance than the Protestants.

4913. By the Roman Catholics themselves?—Yes.

4914. That is because they do not stick to their brethren as a religious body?—Yes.

4915. So that, in those elections, religion enters as one of the ingredients in politics?—The election of the Queen's county, last time, was a religious contest.

4916. What do you mean by that?—I mean to say, that the Protestant party supported the Conservative candidates, and the Roman Catholic party supported the Liberal.

4917. Do you call the Conservative and Liberal religious?—The Protestants supported one, and the Roman Catholics the other.

4918. Was there no difference in their politics?—Yes.

4919. Why did you say it was only on the account of religion?—Because the Conservatives supported the church establishment, and the opposite party were determined not to do so, by voting for the appropriation of the church revenues, that was the general topic of discussion in the last election.

4920. Was there any other political difference between the candidates, with the exception of what you call supporting the church establishment?—Yes; I should think the Conservative candidates support the Union, and I also believe the Liberal candidates would support the repeal of the Union.

4921. What other difference is there?—I should think the Conservative candidates (I am speaking from report) support the institutions of the country, and the Liberal candidates are for that extensive reform in the institutions of the country which, in the opinion of Conservatives, endanger the institutions. I believe that is the broad basis of the distinction.

4922. Then there was a great deal of political difference between the two candidates?—A great deal.

4923. Of Catholic freeholders generally, what do you imagine are their political opinions, independent of religion?—From the terror at the Queen's county election, I have no hesitation in saying, that many had not the free exercise of their franchise.

4924. What, in your opinion, were the political opinions of the Catholic freeholders of that county?—The Roman Catholic freeholders would wish for an abolition of tithes, and I suppose a repeal of the Union.

4925. Were the Conservative candidates favourable to the abolition of tithe?—I should think not.

4926. Therefore on that point the Catholic freeholders do not approve of the principles of the Conservative candidates?—No.

4927. Then if, in your opinion, the political opinions of the Catholic freeholders of that county coincided with the political opinions of what you call the two Liberal candidates,

candidates, why do you think it was necessary for the interference of the priests?—The priests brought those questions that were then agitated in the county before their minds in a strong manner, and a number of the freeholders who had promised to vote for the Conservative candidates to the landlords, I conceive, the priest then found his authority necessary to cause those voters to vote for the Liberal candidates, contrary to the promise made to the landlord.

4928. Why do you conceive they promised the landlord to vote contrary to what their own political opinions were?—Many tenants, from the indulgence of the landlord, would conceive themselves in duty bound to promise him their support in the election.

4929. Against their own political opinions?—I do not say that; there may be a difference of opinion among the Roman Catholics; with respect to tithes, there is a difference of opinion, for some are not for an abolition of tithes, when they have the advantage of a resident clergyman. I have heard many Roman Catholics state positively that they never could object to pay tithes, if the clergyman was resident in the parish.

4930. Is there any other reason for a tenant voting against his own political opinions, as regards his landlord, except merely indulgence that has been shown to him?—I do not know of any other reason, except from a connexion between them and the gentry of the country.

4931. Might there not be a fear, on the part of the tenant, of disobliging the landlord, and of bringing bad consequences upon himself?—Yes; I have no hesitation in saying that there are such cases.

4932. Do you think that the tenants vote against their own political opinions, through the fear of an ejectment or other punishment from the landlords?—I do believe that many of them are of that opinion, that if they voted against their landlords they would be served with an ejectment, if the rent was not paid up punctually, and they might expect, after their vote, no indulgence from the landlord.

4933. Do you think that they might expect that they would not get a renewal of lease?—I am sure they would not expect any such thing; I do not believe they would vote against the landlord, because, when his lease expired he would not expect a renewal of his lease.

4934. So that, if the tenant votes against his landlord, it is tantamount to breaking his connexion with his landlord?—It is.

4935. Under those circumstances, is the tenant able to use his franchise according to his own free will?—He is not.

4936. Then is it not a choice between the fear of consequences from the landlord on one side, and the fear of ill-usage and other annoyances from the priest and the people on the other?—It is just so; the voter is placed between the two parties.

4937. Then, is your opinion, that any plan that would prevent the interference of the priests or the people, but which would not prevent the interference and threat of the landlord, would leave the tenant to the free exercise of his franchise?—No; I should think there ought to be a similar restraint on the priest and the landlord.

4938. Which is the most powerful influence?—The priest's.

4939. Is not the priest's influence accompanied with the wish of the voter himself, as to his own political opinions, in cases that have been spoken of?—In many cases that may not be; in other cases it may.

4940. You have already stated that you consider the Roman Catholic freeholders of the county, if left free of all influence, that their political feeling is with the liberal candidate?—Not generally, but the majority are.

4941. Must not that influence which is accompanied by a coincidence of political opinion between the person using the influence and the person upon whom it is influenced, naturally be the strongest?—They must co-exist.

4942. And from what you have said, does it not follow that the influence used by the priest and the people is to induce the freeholder to vote in that way in which, if left to himself, he would have voted?—I think it equally applies to those who would not vote in that way.

4943. To the majority?—To the majority it may.

4944. In point of fact, does not the means of intimidation which the priest possesses arise entirely from his having the majority of the Catholic population on his side?—Yes.

4945. And

4945. And is it not, in point of fact, exercised against a dissentient minority amongst that Catholic population?—Yes.

4946. Do not you think, from the experience you have in the Queen's county of elections, that if the voters had been uninfluenced, the majority of the constituents in that case would have been inclined to support what are called the Conservative candidates?—The Conservative candidates had the majority.

4947. Was there any ground to suppose that the Roman Catholics had any reason to oppose the present Members; on the contrary, did they not, from the constant residence in the county, and from the known liberality of the political sentiments of the Conservative candidates, hitherto consider that those gentlemen were principally, and first of all, entitled to their support?—A great number of the Roman Catholics had that opinion.

4948. The present Member, and the father of the other Member, have always been resident in the county, and therefore considered to be entitled to the respect of their constituents?—Yes.

4949. The present Member, and the father of the other Member, have generally entertained liberal opinions hitherto?—I have heard it said so.

4950. Did it not therefore occur to you, that it was more to accomplish the object held out to the people by the priests, than to return more efficient representatives for the county, that the exertion on that occasion was made?—Yes.

4951. What was that object?—The abolition of tithes, the repeal of the Union, and the turning out of the late Government.

4952. You have read a series of resolutions which are contained in the paper which you have produced; you observe, that in all of them special allusion is made to the unjust persecution that is exercised by landlords over voters on the opposite side to that which those persons agreeing to those resolutions espoused?—They conceived that the landlords did treat the voters harshly.

4953. Was it not the general belief among those partisans on the liberal side, that landlords did exercise an undue influence over their tenants?—I do not know an instance in which a landlord in the Queen's county exercised; I may say an undue influence over the voters; nor do I know in any county more upright and honourable men than the landlords of the Queen's county.

4954. Was it not the general belief among those persons who passed those resolutions, and among the partisans of the liberal side, that such persecution was exercised?—It may be their belief.

4955. Was not the exercise of exclusive dealing, which is recommended in this resolution, passed by them as a means of retaliation against persecution exercised on the opposite side against persons of their own political opinions?—Decidedly not.

4956. Was there no exclusive dealing on the other side?—I did not hear of any.

4957. Do not you consider it exclusive dealing for a landlord not to set land to the tenants who would not vote for him, but to those only who voted with him?—Yes.

4958. Are there any other considerations which induced the tenants to vote for their landlord, besides those of kindness and attachment?—There are many persons in the Queen's county who considered the present Members better and fitter representatives than the other candidates.

4959. Are there others who were induced to go with their landlords from a kind feeling to them?—Yes.

4960. Then those persons would have voted with their landlords, if they had voted secretly, you think?—Yes.

4961. Is there any reason to suppose that Mr. Graham and Mr. Power voted against their inclination?—Not the slightest.

4962. Is Mr. Power a Roman Catholic?—He is.

4963. And yet he wished to vote for the Conservative candidates?—Yes, and I have no hesitation in saying, that if he had wished to vote for the other candidates he would have done so; he is a man of property.

4964. Do you consider the influence of a landlord over his tenantry growing out of kindness on the part of the landlord, and a feeling of gratitude on the part of the tenant, as a natural and legitimate kind of influence?—I consider that it is.

4965. Do you consider it as a very general principle of action; that it has been so hitherto before the priest took an active part in influencing elections?—It has been always so; and in counties where this influence of the priest does not exist, the tenants go with their landlord.

4966. Is it not the case in this country?—I have always heard it to be so.

4967. Is it not human nature that that should be so?—I think so.

4968. Do not you think it a very natural thing that if the landlord has been in the habit of treating his tenantry with generosity and with kindness, he should expect a reciprocity of generosity and kindness on the part of the tenantry?—Yes.

4969. And therefore, would you think it a very unreasonable thing on the part of the landlord, upon the expiration of the lease of a tenant who had not treated him with that gratitude and kindness which he would expect in return, that he should not wish to continue such a tenant as that, but would rather put in a tenant between whom and himself there would be a reciprocity of good offices and kindness?—I think not.

4970. Would you consider that tyrannical conduct on the part of the landlord, his preferring such a tenant as has been described, to the tenant who was not grateful to him, and did not return kindnesses received?—No.

4971. Would you consider that an interference with the franchise?—Yes.

4972. But do you consider it legitimate interference?—Yes.

4973. You are aware that it was admitted by Lord John Russell and others at the time of the passing of the Reform Bill, that the influence of property ought to be felt in elections?—Yes.

4974. Do you not consider the influence of property is felt when a good landlord, like Lord de Vesey, expects his tenant to vote with him, and do you think that he asks any thing from him that is illegal, when he requests him to vote for his son?—I do not.

4975. Not when he makes that request upon pain of being turned out of their tenancy if they do not?—I think the tenant would run that risk of being turned out, but, as I said before, I know of no instances in the Queen's county of that taking place.

4976. Or of the landlord threatening them?—I have heard of that.

4977. Do you conceive that a liberal candidate who is a Protestant, but who is supported by Roman Catholic voters, is expected to support the Established Church in the same way as Conservative members?—He is not.

4978. His very return depends upon his admitting Catholic rights, as they are termed?—It does, and they consider that his vote will be more effective being a Protestant, than if he was a Roman Catholic.

4979. So that Protestant Members of Parliament brought in by Catholics on liberal principles, cannot be expected to support the rights of the Established Church, in the same manner that Conservative candidates could be expected to do?—No, and if they did, they would not be re-elected. Colonel Bruen and Kavanagh have not been re-elected for county Carlow.

4980. Do not you consider that in some instances a very liberal Protestant has on account of his politics in favour of Catholic rights, a better chance of being returned than a Catholic moderate in his politics?—Yes; for the reasons I have stated.

4981. Do you conceive that the Protestants in Ireland have any confidence in the Catholic Members returned on the Protestant interest?—None.

4982. Do you consider it properly designated exclusive dealing, if a landlord who has been generous and kind to his tenantry, finding that tenant has been deficient in gratitude to him, replaces that tenant on the expiration of his lease by another tenant of a different description?—I conceive not.

4983. Did you ever know of an exclusive dealing in the way of trade and business, and that species of intercourse for the purpose of influencing votes on the part of Protestants?—Never.

4984. Are there not in Ireland very few better landlords in every acceptation of the word than Lord de Vesey?—I never heard of a better.

4985. Has he not resided always in the Queen's county, in the midst of his tenantry?—Constantly.

4986. Is there in Ireland a landlord who directs more of his attention to the interests and comforts and the prosperity of his tenantry than Lord de Vesey?—No.

4987. Has he not taken great care to establish schools, infirmaries, hospitals and every species of institution that can be beneficial to his tenantry, and can relieve any of their necessities or sufferings?—Yes.

4988. And would it not be impossible for a person to pass through that portion of Ireland in which he resides in the midst of his tenantry without discovering that he must be a most beneficent and kind landlord?—It would.

4989. Has

4989. Has not he therefore always had a most legitimate influence all round where his property lies?—Yes.

4990. Did you ever hear of an instance of Lord de Vesey acting in an oppressive and tyrannical manner towards his tenants?—No.

4991. Did you ever hear of any of his connexions doing so?—No.

4992. Have they not been always marked for their liberality in their political conduct as well as in their moral conduct?—I have heard so; and I was never more struck in my life than when I was riding down to Lord de Vesey's house; I saw fifty or sixty boys, from ten to twelve years of age, with spades in their hands, learning the art of husbandry.

4993. His lordship has then established an agricultural school for the improvement of the boys?—Yes.

4994. Has he not devoted a portion of his own domain for the purpose of giving them some ideas of the art of gardening, and other similar arts?—That was on the side of the demesne road where those boys were labouring.

4995. The influence of the landlord has been contrasted with the influence exercised by the priest, as if they were one and the same in their kind; is it your idea that they bear any sort of comparison at all?—None.

4996. Does not the Roman Catholic priest exercise almost an unlimited sway over the opinions of his flock?—Yes.

4997. Does he not wield over them the threat of eternal punishment if they deviate from his directions?—I have heard so.

4998. Have the priests not been in the habit of putting out of communion with the Roman Catholic people those who go against their directions?—I have heard so.

4999. Do you consider the body of the Roman Catholic constituency as capable of forming for themselves any sound opinion on political matters generally?—Many of them are not.

5000. For example, do you think that the body of the Roman Catholic constituency are capable of forming any reasonable opinion with regard to the repeal of the Union and its consequences?—They are not.

5001. Still, if the Roman Catholic priests were to say you must vote for such a man because he is an advocate for the repeal of the Union, do you conceive they would go and poll with the rest?—They would.

5002. The nominee of the priest is supposed to have a prior title to any person whatever?—Yes.

5003. You have been asked with respect to the gratitude which a tenant is supposed to pay to a good landlord; is he under any claim of gratitude to his priest?—He is.

5004. Is not the priest the man who when he is ill goes to him, even though it be an infectious disorder?—He does.

5005. Is not he almost, in many parts of Ireland, the only friend that the poor man has to go to commune with?—Yes.

5006. Is he not invariably or almost invariably on the side of the people?—Yes.

5007. Taking their part where they are oppressed?—Yes, where they are supposed to be oppressed.

5008. Or where they feel themselves oppressed?—Yes.

5009. Are there not, independently of his spiritual duties, then, many and great ties of gratitude between him and his flock?—There are.

5010. Is it not natural that even in doubtful political cases they should be inclined to bend to the advice of that man who has generally coincided with them in opinion, in preference to the landlord, whose interest at least was given at the last election to support the Conservative and the Conservative Government?—Yes.

5011. You have spoken of England; you have said that, with regard to the voting in England, there was a tie between landlord and tenant?—I have heard so.

5012. Have the priests used any influence in England?—I have heard not.

5013. Have you heard that the tenants have gone against the influence of the landlord in England?—No.

5014. Never?—I never heard it.

5015. Suppose that a Catholic is so placed in any one of those baronies that the priest exhorts him, on one side, to vote for one man, and the landlord on the other side strongly urges him to vote for the other, do not you conceive that it would

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would be a fair thing that the man himself should have the option of determining whether he should follow the advice of the priest or of the landlord?—Yes.

5016. Then you think that any method which should secure to him the option of determining between the two would be the best and fairest way?—Yes.

5017. In cases where the Roman Catholic voted with the priest, do you suppose that that vote is generally given from the tie of gratitude, or from the fear of disobeying his orders in many cases?—From the fear of disobeying his orders in many cases.

5018. You say that the priests took the part of the people against the late Conservative Government, do you think they take the part of the people against all government?—No.

5019. What is the Government that they would be disposed to support?—The present Government.

5020. And the connexion of England under the present Government?—That is a separate question. I conceive that hereafter, if the Roman Catholic constituency of Ireland thought that they would get the repeal of the Union by returning Members for that, they would do so; that question is more prominent than the other in their minds.

5021. You have said that the priests were in favour of the people against the Conservative Government, and you have also said that they were in favour of the people not as against the present administration; do you think that they would be in favour of the people in regard to the repeal of the Union against all administrations in this country supporting British connexion?—I think if a new Government was established admitting the measure of the repeal of the Union, the priests would support that Government as they do the present Government now.

5022. You have been asked whether a secret mode of voting, which should protect the voter both against the priest and the landlord, would not leave the voter to his free will; can you suppose any mode of voting so secret as to shut out the mode in which the vote has been given from the knowledge of the priest, if the priest thinks proper to use his influence in order to know how that vote has been given?—No.

5023. You cannot conceive, by ballot, or by any other mode the most secret that human ingenuity can devise, any means so secret as to shut out the knowledge of the priest?—No.

5024. How would he obtain that knowledge?—Through confession.

5025. Would the ballot then protect such individual by leaving him to vote according to his conscience?—No, not where the priest was concerned.

5026. Consequently, you do not think that the ballot would, in the case of Ireland, ensure a full freedom of the elective franchise?—No.

5027. Suppose there were the vote by ballot, do you think that mobs would lay hold of people and drag them to the poll in the way you have said you saw done in the Queen's county?—They might.

5028. Would not the effect of that violence be that the voter would, when he came to poll, vote the contrary way to that which such persons wished him?—Yes; but, in the manner I stated, it could be ascertained in what way he voted, and therefore he would be as much liable to injury.

5029. How could it be ascertained in what way he voted except by his telling?—I mean by his telling.

5030. Might he not tell falsely?—I believe that is not supposed among Roman Catholics, that a man will state a falsehood to his priest.

5031. Did you ever hear of a priest divulging what had been told him in confession?—No.

5032. Do not you know that it is a very sacred obligation that the priest shall not divulge what he knows in confession; is it not the general understanding that that is one of the principles of the Roman Catholic church?—Yes.

5033. If a priest divulged what he was told in confession, is it not your opinion hat he would lose his influence with the people?—Yes.

5034. In the case supposed, is not the effect of the man voting against the liberal side very great upon the conscience of the voter when it becomes known only to the priest?—Yes.

5035. Does not the priest himself possess the power of spiritual punishment?—Yes.

5036. Therefore it is enough that he should know the fact how the vote is given, and he has, in the belief of the Catholic voter, the power of spiritual punishment in his own hands?—Yes.

5037. Therefore

5037. Therefore, without divulging to any human being, he possesses the spiritual power of punishing voters for the votes given against his influence and against his direction?—Yes.

5038. Then in your opinion secret ballot would operate as a complete exclusion of the influence of the landlord, and complete retention of the power and the influence of the priest?—Just so.

5039. Therefore the ballot would be no cure of the evil of which all parties complain?—No.

5040. How could you have the violence of the mobs act by those who voted by ballot?—I think they would be canvassed then as they are now previous to the election; and if they should have declared themselves to be contrary to the wishes of those persons called liberal, means would be taken to intimidate them afterwards.

5041. Suppose they declared themselves favourable under compulsion, would they not have the liberty of voting whichever way they pleased if nobody saw how they voted?—Yes, but I conceive that honourable and conscientious men would not advance a falsehood in such a case.

5042. Would not that system of declaring to the mob that your going to vote in one particular way, when in your conscience you are determined to vote another, but you are forced to take that line and that course for personal safety, generate throughout the country an odious system of great immorality?—Yes.

5043. Do you think, considering the description of persons in whom the franchise exists throughout Ireland among the Roman Catholic population, and considering the species of influence which the priest possesses over that class of the community, that the priest could obtain from the Roman Catholic voter a knowledge of the way in which he had voted, even though he had voted by ballot, without extracting it from him in the confessional?—He could not do so if the other wished to conceal it.

5044. That is, he could not force it in all cases?—No.

5045. Do not you think that he possesses such an influence over that class of people that he could in almost every instance get to the knowledge of the fact?—He could not do so if the voter never told to a second person for whom he voted, but voters generally state the manner in which they vote to their families and to other persons, and by that means the priest might come at it.

5046. Do not you think that it would be known to a man's wife and family how he had voted?—Yes.

5047. Do not you think that the priest could find out from the wife or the family how the head of the house had voted?—Yes.

5048. But if this means of obtaining knowledge failed, have you any doubt that by indirect means of confession in all cases, the priest could obtain the knowledge?—He would.

5049. Do not you think, as a general thing, that ballot in Ireland would tend to increase the political power of the priest, while it would destroy the power of the landlord?—Quite so.

5050. You have stated in a previous part of your evidence, cases of influence of priests in chapels, and violence being offered, and the case of one person lodged in a house as a prisoner under complete detention; do you know any instance in which the Roman Catholic bishop of the diocese, upon the occasion of the late election, wrote a circular to the clergy of his diocese, recommending them to take a particular line in favour of the liberal side and against the Conservative?—I have; and his letter is in that paper which I handed in; it is dated Braganza House, Carlow, January 7th, 1834, and directed to the priests of the diocese.

5051. Did the priests, in consequence of that letter of the bishop's, think it their duty to obey his injunctions, and interfere directly in the elections?—Yes.

5052. You stated that they attended large meetings of people, and also that they took personal steps to carry people to the poll, and even against their inclination, do you know of any instance in which a priest actually from the altar, or in the church, recommended his parishioners to vote for the popular candidate?—Yes.

5053. By name?—By name.

5054. And that interference takes place in the chapel, as matter of course?—Yes.

5055. Has it the effect, coming from the priests in chapel, and during or after the

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the time of divine service, the spiritual influence which, in your opinion, is calculated to make a voter act upon the opinion of the priest?—Yes.

5056. Is it done during divine service?—I have heard of its being done so.

5057. What do you mean by during divine service?—During the period of service.

5058. Do you mean that the whole service is advising them to vote politically?—No.

5059. What do you mean then by saying that it is during divine service?—From the time that the priest enters the place where he officiates, till he leaves it.

5060. During some period of that time he makes this recommendation?—Yes.

5061. Is it after divine service or before divine service, or during divine service, that he makes this recommendation?—During the time the priest is in the chapel and before he leaves it.

5062. Do you think it was during divine service or after divine service?—I should say that it was after divine service, before the priest left the place where he was officiating.

5063. Did you ever know a case in the Protestant church of a Protestant clergyman, during any part of the divine service in the church, exercise his influence in such a way?—No.

5064. Did you ever hear of any instance of a Protestant clergyman speaking politically in a pulpit?—Yes.

5065. What do you mean by speaking politically?—I have heard clergymen compare the present proceedings of the times with those heretofore, and draw the attention of his congregation to the danger of the church at the present time, as compared to what it was in former times.

5066. Did you ever know a Protestant clergyman, in any such sermon, point out to the voters the course they were to pursue?—No.

5067. Did you ever hear of such a thing?—No.

5068. But you have heard of a Roman Catholic clergyman pointing out to his congregation how it was their duty to vote, and speaking of the candidates by name?—Yes.

5069. Have you ever heard Protestant clergymen advising voters how they were to vote?—Yes, but not in church.

5070. Did you ever know a Protestant clergyman try to influence a voter by intimidation, as the Roman Catholic voter is influenced by the priest?—No.

5071. Do the Protestants believe that the clergymen have any spiritual power over them in eternals?—No.

5072. Do you know that the Catholic voters think that the Catholic priest has any such power in eternals over them?—I have heard so.

5073. Have you any doubt that he so believes?—None.

5074. Do they think that the Catholic priest has the power of consigning him to eternal damnation, in the event of his disobeying any order that the priest gives?—No; but he has it in his power not to give him absolution for any crime he commits.

5075. And what is the consequence of not getting absolution?—He is out of the pale of the church.

5076. Do you mean to say that it is your belief, that a priest would refuse absolution where absolution ought to be given?—I have heard of their having done so; I cannot speak personally.

5077. If the voter be on his deathbed, has not the Catholic priest it in his power to give or withhold extreme unction?—What is in the gift of any person he has the power to withhold.

5078. Do you think that any Catholic priest has withheld it for political purposes on the deathbed of any person?—No, I do not believe he has.

5079. When were you appointed to the situation of resident magistrate?—In May 1831.

5080. You were appointed by Lord Anglesey's Government?—I was.

5081. Do you know Lord Anglesey personally?—I do.

5082. Were you not sent down by Lord Anglesey to Lord de Vesci during the disturbances in the Queen's county?—I was transferred from Galway to the Queen's county in consequence of disturbances in March 1832.

5083. Were you at Lord de Vesci's house?—Yes.

5084. You were recommended by Lord Anglesey to Lord de Vesci?—I was desired by the secretary to wait upon Lord de Vesci.

5085. Are

5085. Are you aware that he wrote to Lord de Vesci, stating that he had sent a gentleman in whom he might have implicit confidence, and from whose zeal and ability he might expect very excellent results?—I dare say he did.

5086. Then you do not owe your appointment as a resident magistrate to a Tory Government, but to Lord Anglesey?—To Lord Anglesey.

5087. Do you recollect that on the occasion of the last election, even in the presence of the military, the mob were so violent and so unruly that they offered personal violence to you?—They did.

5088. Did they throw something at you?—They did, and spat at me in the face in presence of the military, knowing who I was; a man came up, and spat at me in the face within a foot of me.

5089. Do not you consider, that during an election all the power of the civil government in Queen's county is completely gone, and that there would be no possibility of conducting an election unless the military were employed in sufficient numbers to preserve the peace?—Yes.

5090. Do you consider that bloodshed would have occurred if there had not been a military force in the county?—A great flow of it.

5091. Did the military act as partisans in the election?—They did not.

5092. Do the populace at elections presume on the forbearance of the military, and exercise violence even in their presence?—They do.

5093. They know that the military will not act against them unless it is absolutely necessary?—Yes, and directed by the magistrate.

5094. And though the military be present, they reckon on their forbearance?—They do.

5095. Did you ever hear of a man of the name of ———, a Roman Catholic, who voted for Lalor and Gale in 1832, and for Sir Charles Coote and Mr. Vesey in 1835; that he has, since the election, willed away all his property, in order to save his life, which has been threatened in consequence of the vote which he gave?—I have heard it.

5096. Do you believe it?—Yes.

5097. Circumstances have been detailed to you which led you to believe it?—I have heard it from respectable persons, who I think would be incapable of speaking falsely.

5098. In what way would the willing away of his property have the effect which he intends?—If he voted for the Conservative candidate, then, if he was assassinated, his property would naturally go to his family. I heard that he willed it to a stranger, in order that he should not be assassinated, that his family might have the benefit of his property during his life.

5099. So that, in order to save his life, he had recourse to this experiment?—Yes, it would have the effect of securing his own life.

5100. Will you explain how you understand the object and cause?—This voter at the previous election voted for the Liberal candidates; the last election he stated that he would vote for the Conservative candidates; his life was threatened; and in order to preserve his life for the benefit of his family, he stated he had willed his property to a stranger, and thereby, if he was assassinated, they would not only be taking his life, but depriving his family of the property.

5101. While you were in Stradbally during the election, was it reported that the bells of the chapels rang during the election, and what was the effect of the ringing of the bells?—I heard, when I was there, that the chapel bells rang at an unusual hour of the night; in consequence of which many Protestant inhabitants were in such alarm that they did not go to bed that night.

5102. Was that before or during the election?—I believe a night or two after the election.

5103. What was the object of that ringing, in your opinion?—A meeting for some purpose.

5104. The chapel is used upon those occasions for a meeting in the middle of the night?—On that occasion it was. I do not say it was in the middle of the night, but it was after night.

5105. Was the bell rung?—I heard it had been.

5106. Was it reported by the police?—It was to me.

5107. That there was a meeting?—Yes.

5108. What were the circumstances reported respecting the meeting?—A number of persons in the interest of the Liberal candidates assembled at that unusual hour of the night at the ringing of the bell.

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5109. To do what?—I do not know.

5110. Did the police go out?—Not into the chapel.

5111. Was it not found out what the meeting was for?—I did not.

5112. Do you consider that the people in that county are in such a state of organization, that they can occupy what are termed the passes into the county in large numbers, so as to prevent people, even if they were to coalesce in considerable number, coming to the poll?—I heard that such was the determination and report in the county before the Government had sent down the military and civil force.

5113. So that that, among other reasons, was a sufficient justification for Government sending the military down?—Yes; and to show that this is the part of the county to which the report applied, we had very strong parties of the civil force as a chain along the road.

5114. Could the voters have been brought up unless they were escorted by military?—No, they would not go; and such was their terror, that they requested they might be conveyed by night.

5115. So that in general they were escorted by night?—Yes; previous to the first day's polling, a number of voters assembled in the house of Mr. ——— of ———, a magistrate of the county, for protection; and from his house I myself removed them under the escort of the military by night.

5116. From what you have seen of England and the north of Ireland, and have read of other countries, do you conceive that such a state of society exists in any other part of the world?—No, nor would it be there, except for the deep organization and confederacy of the people.

5117. Do you consider that this organization is such, that at any moment it may be employed, either for the objects of an election, or for any popular purposes to which it might be applied, under the directions of their leaders?—Yes.

5118. Is it parochial organization?—I think it is parochial, extending to the county, or to counties.

5119. Who is the leader of the parochial organization?—Persons residing in the parish, having the influence and direction of the persons in it.

5120. Who are those persons; any particular class of persons?—I should say the middle classes.

5121. Who have effected those organizations?—The same class of persons.

5122. There is no class of persons to whom you attribute this sort of organization of the Roman Catholics in the country?—Yes, to the letters of different persons.

5123. Of whom?—Daniel O'Connell, esq., and the former Roman Catholic bishop of Carlow, Dr. Doyle, and gentlemen of that class.

5124. You think the Roman Catholic clergy of Ireland are instrumental in carrying that organization into effect?—Yes.

5125. What is that organization for?—For any and many political purposes.

5126. Will you specify?—There is another combination for the intimidation of landlords.

5127. For what purpose?—To set their lands under value, to discharge the servants, to raise wages.

5128. For what other purposes?—The continuation of bad tenants in their farms, leaving the landlords no control in the selection of the tenantry.

5129. Are there any other purposes?—I cannot say just now.

5130. You do not recollect any other purposes but what you have specified?—But there may be more.

5131. Do you recollect any more?—Intimidating persons not to prosecute in the case of criminal proceedings; not to pay tithes; I do not recollect immediately any other.

5132. Does this organization in any cases, to your knowledge, apply to the payment of rent, more or less?—Yes.

5133. When you state those to be the objects of this organization, on what authority do you speak; how do you come to know the objects of the organization?—From my experience as a police magistrate, from frequently having examined persons upon oath, taking informations, and from the result of prosecutions.

5134. Is it not your business to make those inquiries?—It is.

5135. Do not the Government look to you to make all those inquiries, and procure the best information upon the subject?—Yes.

5136. Is the opinion that you give founded upon the information so acquired?—Yes.

5137. Where is the centre of the organization?—I cannot say.

5138. Is it in Dublin?—I heard in the year 1831, when in Galway, that the centre of the organization was then in Dublin and Limerick.

5139. Was it not every parish in the south and south-west of Ireland?—I believe in every parish in the county.

5140. Do you believe it to be less complete now than it was then?—Yes; I do not say less complete, but less recourse has been had to it.

5141. Is it as perfect if it were desirable to use it?—Yes

5142. Is the machinery all ready for use?—I think so.

5143. Extending from Dublin to the south and south-west of Ireland?—Yes.

5144. And extending from Dublin to each parish, with a link in each parish?—Yes, I have been so informed by persons whom I believe.

5145. Any movement in the centre would extend to the most distant parts?—Yes.

5146. What is that centre?—I am speaking from the information of a person who was concerned in the disturbances of the county Galway in 1831, who afterwards became an approver, who was a respectable man in his class.

5147. In the purposes that you have mentioned for the organization of the people, you have not included any political objects, do you not think that they are formed for political objects?—Yes, political and otherwise, but are distinct from each other.

5148. Is it brought to bear upon elections?—I should think so.

5149. Is it brought to bear in communicating political information from time to time during the sitting of Parliament?—I do not know that; but three years ago there was a very curious thing that occurred in Ireland, which was called the Holy Turf; a lighted turf in different parts of Ireland was got, and the person to whom that was given was obliged to take it to the seventh house, and so till it progressed, during one night, for the space, I believe, of 50 or 60 miles.

5150. Is there any particular newspaper published in Dublin which is communicated to the different parishes during the sitting of Parliament?—None that I know of, out of the ordinary course of subscription.

5151. Do you consider that this organization, such as it is, is capable of being directed to the carrying of any object that might be considered desirable by the leaders?—No.

5152. Do you consider, for example, if it became expedient to make the people call out generally for the repeal of the Union, it would be possible to make this organization bear upon that particular point?—Yes.

5153. Do you think if it were desirable that the Roman Catholics in Ireland should, on a certain day, assemble to petition for the repeal of the Union, that day not being more distant than three weeks from the notice, such meeting could be held in the parishes?—I think if it emanated from the political confederacy, it could.

5154. Do not you think that such a simultaneous public meeting can be held without that secret organization which you have described?—Yes, by notices having been circulated.

5155. Is it at all necessary, in order that this simultaneous meeting should be held, that there should be such a secret organization as you have described?—No, I know of no secret organization, except that of the Whitefoot system.

5156. Do you think that it would be from the organization, a meeting of the entire body of the Roman Catholic population of each parish, or a desultory meeting of a few inhabitants on such a notice?—I think the political confederacy of the county would have a greater number at county meetings emanating from their source, than if they were convened by any other notice.

5157. Any ordinary notice from an authority, not recognized, would produce, in your opinion, no meeting so numerous, or any thing like so numerous as meetings called by this particular channel?—Yes.

5158. Do you mean to say that this organization arises from the recommendation of Mr. O'Connell and the late Dr. Doyle?—I mean to say, yes; but not the private organization for insurrectionary purposes.

5159. The organization you speak of, as one recommended by the late Dr. Doyle and by Mr. O'Connell, and by others, do you mean to say that it is of such

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such an organization that you speak, when you mention that that organization is for the purposes applied to Whitefootism?—No; by no means.

5160. You do not mean to say, that the organization recommended by Mr. O'Connell and Dr. Doyle, and others of that class, is for those purposes?—I would be very sorry to impute it; I did not mean to convey, even indirectly, that these gentlemen had any hand in forming or countenancing associations for insurrectionary purposes.

5161. There are two species of association, one for the Whitefoot system, and one for other purposes?—Yes.

5162. The organization established for political purposes, is it not of necessity easily convertible by abuse into an organization for the other purpose?—It might by abuse.

5163. Of necessity so convertible?—Yes, as I said before, by abuse.

5164. Is there any organization on the part of the Conservatives?—Yes, so far as we have heard of the Orange Society and the Conservative Society.

5165. Is there not an organization on the part of the Conservatives through Ireland, for the same purposes as the political organization on the part of the Roman Catholics?—Yes.

5166. Is there a head society to that organization?—I should think so.

5167. Where is that head?—I should think in Dublin.

5168. And their branches extend through the different parts of Ireland?—Yes.

5169. And are used for the same political purposes on their side, for which the political organization is used on the part of Liberals?—Yes.

5170. Can such organizations lead to the occupation of passes so as to interrupt voters from coming to the poll?—No.

5171. Can the Conservative Association in Queen's county, if such exists at all, by intimidation force voters to vote contrary to their wishes?—No.

5172. Or if in the event of wishing to effect any great political change, such as the repeal of the Union, or any other act, have they the same powerful effects as the other association to which you have alluded?—No.

5173. Is the Conservative Association more of a defensive or of an offensive character?—Defensive, I think.

5174. Is the other association offensive or defensive?—I should think partly offensive.

5175. Do you consider that a great number of the small farmers and peasants of the Queen's county, who form part of the Catholic Association that now exists, would rejoice if that association was done away with to-morrow?—Decidedly.

5176. Do not you conceive that a majority of the freeholders are under a control that they cannot overcome, and which, as they conceive, is extremely injurious to their interests, and painful to their feelings?—Yes; I will give a strong instance of it which occurred in the county of Galway. A most respectable man, a large farmer, entreated and made application to be admitted into the Rock system, in order to preserve his person and his property.

5177. Do you conceive that a large majority of those very men constituting the Catholic Associations in Queen's county, for insurrectionary or for any political purposes, would be glad if they were done away with, and if they were left in the peaceful occupation of their farms?—Yes.

5178. You have no doubt of the fact?—Not the slightest.

5179. Then it appears to you that a small number of leaders do continue to control and sway the large body of the population against their wishes?—Yes.

5180. Your last answers apply to the Whitefoot organization?—Yes.

5181. Are the means which those two different associations make use of to forward their objects the same?—No.

5182. Are not the means on the one side used by the Roman Catholic Association terror and intimidation, followed by injury and by force, while on the other side no such means are resorted to?—Just so.

5183. Is there no violence on the part of that portion of the people who are of the Conservative Association?—I never heard of any.

5184. Do not both sides use such means as they have in their power?—The Conservative party have it in their power to use violence as well as the other party, but I never heard of their using violence.

5185. You

5185. You have been in the north of Ireland, and have served in the county of Derry as a magistrate?—Yes.

5186. Do the Protestants in that county exercise the same modes of control and intimidation that you have experienced in the Queen's county?—No.

5187. In parishes where the majority are Protestant, is the same vengeance and violence for the mode in which a man votes exercised against the Catholic by the Protestant?—No.

5188. Which of those two great parties, by using combination, is most favourable to British connexion?—The Conservatives.

5189. Have you ever heard that Orangemen would only for certain circumstances be favourable to repeal?—Never.

5190. Have you ever heard that, but for Mr. O'Connell, they would have been favourable to repeal?—I never heard it.

5191. Did Mr. O'Connell endeavour to make it appear that there was a combination of the Orangemen with the Repealers?—I heard so.

5192. You say that you left Queen's county a few days after the election was over; have you received any information from the county, from —— for instance, as of the state in which the county was after you left it?—I have.

5193. Will you produce that statement?—Having received an intimation to be examined here touching the Queen's county election, I found it my duty to write to ——— for the information of this Committee; he is deputy lieutenant, and magistrate of the county, and a large land proprietor.

5194. By whom was he appointed to be the deputy lieutenant?—By Lord Anglesey's or the Marquis of Wellesley's Government.

5195. State his letter?—There is a part of it which has reference to a private transaction.

5196. Will you read all that relates to public matters?—It is dated April 22, 1835. "Ever since the late election, party feeling has continued to run as high as when you left this, and exclusive dealing is in full force, and no appearance of its dying away, as might reasonably be expected; if it does, the priests are sure to interfere, and set it a-going again. An instance of this occurred only last week at Mountmellick, where there was a momentary cessation of it, when the priest told his flock, from the altar, that he would rather see them go about naked than purchase any thing from a Protestant; and that it was their duty to endure any hardships rather than do so. But though I could mention numerous cases similar, it would be quite impossible to get any thing satisfactorily proved of this nature, so established is the reign of terror every where."

5197. Does he state that from his own knowledge, or from hearsay?—I cannot say. I wrote to him to ascertain the state of Queen's county, and this is a reply to that letter.

5198. Does he state his author?—No, nor does he state any reason for knowing it; he has here given the names of persons who he thinks will be fit and proper persons for this Committee to examine, I suppose in support of that.

5199. Do you know ———?—Yes.

5200. He is a man of property, and the deputy lieutenant?—Yes, and of large property.

5201. Is he a man of that calm disposition that you think him incapable of stating a fact, such as is stated in the letter, unless he believed it to be true?—I do.

5202. Do you think that he has persons in view who would prove the fact that he alleges?—Yes; he has marked the names of persons who might be called, and he refers to persons in Mountmellick.

5203. He refers to persons in Mountmellick who can prove the facts stated by him?—Yes; and says, "the only chance of getting any evidence, I should think, would be from ——, who, he says, was driven to desperation from the persecution he suffered from his priest, for the part he took at the late election. He is now here, and I asked him, would he be willing to attend before a Committee of the House of Commons, and tell what he knows; and he has declared his willingness to do so, if his expenses were paid, and he gets sufficient afterwards to take himself and his family to America. I am told he could give useful information. I think, if those persons who have suffered in their business from the exclusive system were summoned, a great deal might be elicited from them."

5204. Is this individual, who is stated in that letter to have suffered persecution from the priest, the same Roman Catholic voter who was by force taken by Father ———in

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——— in his gig, and kept in the house a prisoner, in order that he might not vote for the Conservative candidates?—He is the same man.

5205. And Father ———, who took the man by violence, is the priest who has since persecuted this individual?—I believe so.

5206. Is it not from fear of persecution that he would wish to have his expenses paid for going to America, if he gave evidence?—Yes, I think his life would not be safe for twenty-four hours after he returned.

5207. If he came under a Speaker's warrant to give evidence in a legal manner against his priest?—I think he would be assassinated in twenty-four hours, as many persons have been who gave evidence against other persons.

5208. Then the consequence of his obeying the Speaker's warrant in order to give evidence before a Committee of the House of Commons in a matter relating to the prosecution of this inquiry, would be that that individual would be assassinated in twenty-four hours after his return?—I have no doubt of it, if he gave evidence against his priest.

5209. Do you ever read the Evening Mail?—I have not read it, except one or two numbers on my way here.

5210. Did you ever hear that it was there recorded that the names of the different householders who voted for the popular candidates were to be published, and that they were to be supported by their customers who were Protestants, and that they should take care not to disoblige their customers?—I do not know.

5211. Was there a letter to that effect by the Anti-Tory Association?—I do not know.

5212. Was not that another name for the central assemblies that took place?—Yes.

5213. The same body of persons making agitating speeches?—Yes.

5214. Are there agitating speeches made at the Conservative Society in Dublin?—I heard that there was, and disapproving of the measures of Government.

5215. Were there any violent speeches made?—That is according to the manner in which you take them.

5216. Were there any speeches which you conceived were violent?—Yes.

5217. If, in the county of Derry, a Protestant freeholder were brought here to depose against persecution which he had suffered from the Protestant clergyman of the parish, in consequence of a Speaker's order, would that Protestant freeholder be liable, on his return to the county of Derry, to be injured in his property, or his life in danger?—No.

5218. If an Orangeman, in the county of Antrim, voted for a Catholic candidate, and were called here to give evidence as to the motive which induced him to do so, would he return in safety?—Yes.

5219. If he came here to state matters connected with the Orange Society, and spoke against that Orange Society, would he be as well received as before, or would he receive any insult or injury?—He would not be as well received, and might be subject to injury.

5220. Would his life be in danger?—No.

5221. You said that the man coming from Mountmellick would be assassinated in 24 hours; do you think any such danger would be experienced by the Orangeman?—No.

5222. If the Orangeman came to depose against the Orange Society, and he was a shopkeeper, would or would not his Orange customers continue to deal with him?—They would leave him.

5223. Have you heard of any witnesses before election committees, where intimidation was the subject, being assassinated?—No; but my evidence has reference to those witnesses that would depose to facts against priests in persecution, and which facts to put them upon their trial.

5224. After the special commission in Queen's county, when witnesses gave their testimony on those trials, were they not subject to the most cruel persecution in consequence of the evidence they gave in a court of law?—Yes, many of whom I was obliged to request the Government to send to America; and in one case, where witnesses were examined, touching their house being attacked, and the son of the owner of it being stabbed in his breast, their evidence was such that I could not get any conveyance either by carriages or vans of any description whatever to take them to Dublin; the excuse which they gave was, that the vehicles would not be safe if they did do so, and I was obliged to write to Government to send down a carriage from Dublin, with a party of Dragoons from New Bridge, to bring

bring those witnesses from Maryborough to Dublin; and before that I was obliged to put them into the bridewell for safety. *M. Singleton, Es*

5225. If the merits of a contested election, in one of the south-western counties of Ireland, turned upon intimidation, either of the mob influence or priest influence, are you of opinion that the merits could be tried before a Committee here, by the production of witnesses to establish the facts, however clear in evidence they might be?—No. 27 June 1835.

5226. Would it be impossible to produce witnesses?—Yes; and I will refer to the recent order of the House of Commons, issued for taking into custody two persons who refused to proceed to be examined on the Drogheda Petition.

5227. What do you know of that?—I do not know it, except what I have read of it in the newspapers.

5228. But your knowledge of the southern and south-west parts of Ireland leads you to say, that it would not be possible to prevent priestly influence and intimidation, if they were to return to their native country after they were examined?—It would not.

5229. You stated in your evidence that the liberal Protestant Members would not be returned again, if they did not advocate the abolition of tithes and the cause of the Catholics; do you mean to say that the liberal Protestant Members are not sincere in the opinions they have expressed?—They are sincere.

5230. You stated that Sir Henry Parnell's tenants had voted only through the influence of the priests with the Tory candidates?—I stated no such thing.

5231. Do you think that Sir Henry Parnell would have supported the Tory Government and the Tory candidate?—He did not support the Tory Government when they were in.

5232. Do you think that he would have supported the Tory candidate?—Not except that his relation was a candidate.

5233. Do you think that Sir Henry Parnell wished his tenants to vote for the Tory candidate?—I am informed he remained passive and neutral, but had no objection to his tenantry supporting his very near relation.

5234. Are you speaking of what you know?—I am speaking of what I have heard. I have known voters in the Queen's county support Sir Henry Parnell, who did not approve of his politics, on account of relationship and friendship.

5235. Was he not supported by the family of Lord de Vesci?—Yes.

5236. You stated that, in Queen's county, any tenant who voted against his landlord could not expect to have another lease?—I think not; but I think there are many landlords that would give them a lease; I never found more honourable gentry than the landlords in the Queen's county.

5237. When you say that the tenant could not expect another lease, do you mean that he would be turned off his land, or not have such a lease as would give him a qualification?—I believe he would not be turned off his land, but that his new qualification would be refused.

5238. Have you heard of many ejectments?—Yes.

Lunæ, 29° die Junii, 1835.

HENRY WARBURTON, ESQUIRE, IN THE CHAIR.

Gerald Fitzgerald, Esq. called in; and Examined.

5239. IN what county in Ireland do you reside?—In the county of Tipperary. *G. Fitzgerald, Esq*

5240. Do you hold any official situation?—I am resident magistrate of police for that county. 29 June 1835.

5241. How long have you yourself been resident magistrate?—I have been residing as a magistrate for the county for the last thirteen years; I have been a Government magistrate for nearly six years; I have been stationed at Cashel for something better than five years.

5242. Did you make any reports to the Government during the late election as to the disturbed state of the county of Tipperary?—I did.

5243. Is this an extract from a letter of yours which the Committee will read—"Great and successful efforts have been made by the Roman Catholic clergy to influence the electors on this occasion, and to compel many, if not most of them,

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to vote against their landlords' wishes, and to falsify the pledges which they had given to support Mr. Pennefather. I shall endeavour to procure proof of any undue influence used in this or in any other manner; but it will be extremely difficult to do so, for though we see the thing passing before our eyes, so great is the prevailing intimidation that witnesses cannot be induced to come forward?"—I cannot recollect so as to be able to vouch for the precise words; but I think I did make a report substantially to that effect.

5244. Does this relate to the last election or the election before the last?—The candidates at the election that I now speak of were Mr. Perrin and Mr. Pennefather for the borough of Cashel.

5245. Is that an accurate extract of your report to Sir William Gosset, dated Cashel, 16th January 1835?—I have no memorandum of it, but I have no doubt it is correct.

5246. Have you not the original report?—I have not.

5247. There is an extract of a letter from Gerald Fitzgerald, esq. to Sir Henry Hardinge: "Cashel, 1835: I beg to transmit for the information of his Excellency the Lord Lieutenant, a letter which I this day received from Mr. Bagwell, of Marlefield, late a candidate for the representation of Clonmel, inclosing a printed list of the electors of that town, showing for whom each person voted, distinguishing the religion of each voter, and inclosing in broad black lines the names of the Roman Catholics who voted for Mr. Bagwell. That gentleman states that these lists were to be posted up at the different chapels of Clonmel to-day, and that several of the Roman Catholics whose names are thus malevolently distinguished, applied to him to forward the document to Government, with a view, if possible, to punish the persons concerned in printing and publishing it. It is quite manifest that the sole object in publishing this list is for the purpose of holding out to vengeance the persons and properties of those Roman Catholics who dared to exercise their elective franchise free from the control of the priest and the mob." Do you recollect that report?—It is quite correct.

5248. Have you the original report?—I have not, but I have a copy of an extract taken from my letter book, and I see three or four additional lines to this letter: "I request, therefore, that the opinion of the law adviser of the Crown may be taken as to what course he would advise to be taken on this occasion. The printer whose name is attached to the list is editor of the Tipperary Free Press."

5249. Do you know this to be the fact, that the names of the Roman Catholics were posted up in the Roman Catholic chapel?—I had the list sent to me, with Mr. Bagwell's letter inclosing it.

[*The Witness handed in the List.*]

5250. Are the names of the electors and the candidates for whom they vote generally matter of notoriety after an election at Clonmel?—I do not remember an instance of their having been published before.

5251. Those names surrounded by black marks are to designate those who voted against the popular candidates?—They are.

5252. Have you any doubt of the inference that you have drawn, that they were to be marked out for vengeance in consequence of the vote which they gave?—I have no doubt about it, that that was the intention of so designating them.

5253. Do you know whether any of those individuals have suffered in their trade or their circumstances from the vote they gave at that election?—From my own personal knowledge, I cannot speak; but as matter of notoriety I can name several. The first that I have to mention is a shopkeeper of the name of ———; that man has been very seriously injured in his trade in his two shops, by his having voted for Mr. Bagwell on that election and the preceding one.

5254. By persons withdrawing their custom from him?—Yes, and at one election, three years ago, his shop was attacked by a mob, and his shopman pelted with mud, and I caught the fellows in the fact; I was sent for, and called out the civil force.

5255. Is he a Roman Catholic?—He is, and I conjecture that his name is in that list.

5256. Can you give any other instances?—At the election in January; but I am not now speaking from my own knowledge.

5257. Residing as you do in the county, at one place, your information must be made up in a great degree of reports made to you by those under you, rather than from your own personal knowledge?—In part.

5258. When

5258. When you report what was reported to you by those under you, you do so upon the understanding that those reports are believed by you?—Clearly so.

5259, You would otherwise consider it not your duty to make such reports to the Government?—I should not make any report to Government that I did not believe to be true; if I see any thing upon the face of the report that seems questionable, I make no report till I personally investigate.

5260. Then the reports made by others to you, and sent by you to the Government, have your confidence?—Entirely so; if they have not, I always enter in the report that the matter is doubtful, and that I will make personal inquiry.

5261. Will you proceed?—At the election, or immediately previous to the election of January last, large bodies of the mob went round to the different shopkeepers, ordering them to vote for Mr. Ronayne; they went particularly to Mr. ———, a ———; he is a Roman Catholic; and they told him they heard that he was going to vote for Bagwell, and that if he did not vote for Ronayne they would not deal with him. He told them to go about their business; that he got more money from Bagwell in the way of his trade in one day than from them in a year. I understood also that they went to the house of a man of the name of ———, who is a Roman Catholic, who keeps a ——— in the town of Clonmel.

5262. At the same election?—At the same election. I was informed by Mr. Douglas, a respectable gentleman, who is agent to Mr. Bagwell, that he was told by a tenant of Mr. Bagwell, of the name of ———, that he was present a few days ago at the house of one ———, a Roman Catholic elector of Clonmel, and a tenant of Mr. Bagwell's; that ——— had voted for Mr. Bagwell at the last election: this occurred at a station. Perhaps the Committee are not aware what a station is; a station is a place where the priest appoints to go, and sit for the purpose of receiving confessions; and the persons in the immediate neighbourhood attend on the priest, there to make their confessions to him; and after the business of the station is over, there is generally a breakfast or a dinner. After the station was over on this occasion, ——— asked the priest to come in to breakfast, and the priest replied, in a surly manner, "That if he ate any thing in ———'s house, he thought it might poison him." ——— says that ——— immediately went to complain to Father ——— of the conduct of this coadjutor.

5263. Father ——— is in Bagwell's interest?—He refused to vote at either side, I understand.

5264. A large body of people went to Father ———, and called upon him to vote?—They did. I heard that he refused to vote, and that they threatened to take him by force to the court-house to vote, and he said, "I am an old man; you may force me down if you please, but if you compel me to go into the court-house, I will vote for Mr. Bagwell." Mr. ——— is the parish priest, an elderly man.

5265. Mr. ——— has a very considerable living of a thousand a year?—I have heard so.

5266. And he holds his house of Mr. Bagwell, does he not?—I do not know that.

5267. Do you find that the elder clergy of the Catholic religion are less violent in their politics than their younger coadjutors?—Such has been my experience invariably throughout the county; and many of them I know are forced down the stream of agitation very much against their inclinations.

5268. You find, then, that the younger priests, who are generally coadjutors, attempt to exercise control over the more elder clergy?—Where there is a peaceable priest, he is generally matched with an agitating coadjutor.

5269. Have you any other facts to mention?—Yes; there is a man of the name of ———, a Roman Catholic elector of Clonmel, who keeps a ——— in the ——— street; he voted for Mr. Bagwell; and in consequence of his having done so, he has been persecuted ever since. Persons used to go into his shop on pretence of buying whiskey; and after it was filled out for them, they were in the habit of throwing it back on the counter, and refuse to take it, saying, that they would buy nothing of a man who had voted for Bagwell; he has since been obliged to remove his name from the ——— over his door, in order that customers might not know that it was he who resided there. The next is the case of ——— of Clonmel, in the last election; he was several times assaulted, and very much beaten in the streets, in consequence of his having voted for Mr. Bagwell, and his windows were broken at another time. The next is the case of Mich. Fogarty, a Roman Catholic elector, who voted for Mr. Bagwell; and immediately after having

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done so, he was followed from the court-house through the town of Clonmel by the mob, spitting upon him and hooting at him, and was obliged to be rescued from them by the police.

5270. Did that person suffer in his trade in any way afterwards, over and above what you have described as being insulted by the mob?—I do not know. The next is the case of ————, a pensioner of the —th regiment, an elector.

5271. Is he a Catholic?—I have no note whether he is so or not, but I believe that he is a Protestant. He was assaulted by the mob, and had his ribs broken, because he promised to vote for Mr. Bagwell.

5272. Was this assault before the election?—I have no note at what period, but I should take it that the occurrence happened on the day before or the day of election: the note I have is, that it was because he promised to vote for Mr. Bagwell, so that I take it that he had not voted at the time. The next is the case of ———, a nailer in the town, in the Irish town of Clonmel, his house was attacked several times by the mob, and his shop ransacked and his bellows broken, because he had voted for Mr. Bagwell. He appears to be a Protestant.

5273. You are now stating cases of which you have heard, but which do not fall within your official knowledge?—Exactly.

5274. Have you any doubt of their accuracy?—None.

5275. Those specimens that you give are a part of the system, but do not comprise a number of cases which might be cited if care was taken to bring them forward?—No, they are a part of the system, but only a small part of the transactions.

5276. Not only a small part of the transactions which come to the knowledge of the police generally, but, as you have stated in your report, that considerable difficulty is felt in acquiring a knowledge of those facts, from the fear of those individuals to come forward in case the police should prosecute; you consider that the system is much more extensive than your means of information?—Certainly more so. Numerous instances occur that we never hear of; we see the effects, but we are often unable to detect the machinery which produces those effects.

5277. Have you any more cases?—A Mr. ———, in the town of Clonmel, a Protestant gentleman, related to me a transaction that occurred with respect to a workman of his own; the case is that of a man named ———, in Mr. ———'s employ, who was an elector, and a Roman Catholic. This man had promised not to vote against Mr. Bagwell. The Rev. Mr. ———, the parish priest of ———, attended by a numerous mob, went to the store, and insisted on getting the man out to vote for Ronayne. The priest addressed the elector, and asked him would he vote for bloody Wellington; would he not vote for his God and his religion; would he not vote for his priest, who on his deathbed would administer to him the rites of the church! The man was not inclined to go with the priest, and went with Mr. ——— back into the store. The mob then became very violent and abusive, and some of Mr. ———'s family heard the priest say to the mob, "That is right, boys, do not forget ———." In the evening another numerous mob came, and wanted to force the gates to get out the man to vote, and said, "We have forced others, and why should we not force him?" ——— was obliged to arm himself with a gun, and parley with the mob for a long time, before he could prevent their forcing the gates to get the elector out who did not wish to go with them.

5278. Was this in the last election?—It was. The next is the case which I partly detailed before, with respect to the visit of the mob to the Rev. Mr. ——'s house, who refused to go with them: his expression on the occasion was, "You may force me into the court-house, as I am an old man, but if you do, so help me God, I will vote for Mr. Bagwell." The mob then began to curse him, and they declared that, when his Easter offerings became due, he should suffer for it. The next is the case of a man named ————, an elector, who was desirous of voting for Mr. Bagwell; he had denied himself several times to a friar whose name I think is ———, but at last he was detected, and he made his escape through the back of his house, and got over several gardens and across several walls, still pursued, and he took refuge in the house of a shopkeeper of the name of Higgins, from whence he was forced by this friar and Mr. Lysette Pennefather, and, as well as my recollection serves me, he voted for Mr. Ronayne.

5279. In short, this influence exercised by the priest was the cause of making this man vote contrary to his own wishes?—Certainly.

5280. Will you proceed?—At the same election, a highly respectable merchant, a Quaker, ———, after having voted for Mr. Bagwell, and wishing to avoid notoriety,

riety, retired from the court-house; he was followed by the mob, who pelted him with mud from the Mayor's house up to the Globe Inn; he is a most inoffensive gentleman, who gives employment in his different mills and stores to upwards of a thousand persons daily. *G. Fitzgerald, Esq.* 29 June 1835.

5281. So that, notwithstanding the good which this individual does, he still became an object of popular vengeance, because he exercised his vote in the manner he thought proper?—Certainly, and was called a mad dog for doing so.

5282. He employs persons of all sects?—Certainly.

5283. He cannot be considered as a partisan in politics or religion?—They consider him so, because he voted according to his own discretion; his general conduct is that of a most valuable member of society, who employs a thousand persons generally; ninety-nine out of every hundred of whom are Roman Catholics.

5284. So that the good that this man does, did not preserve him from the insult and the violence of the mob on this occasion?—It did not. On the same day his son, ———, was riding through the streets, and he was attacked by the mob and pelted with stones, and two bull-dogs set at his horse. During the course of the same election, as Mr. ——— informed me, one day ———, a ——— in his father's employment for the previous seven years, who was an elector, was in the mill. Mr. Ronayne, Mr. ———, the parish priest, Mr. ———, a friar, and a large mob of persons, went to the mill with a view to carry off the elector. Young Mr. ——— met them at the entrance of the mill, and told them that they could not be admitted. Mr. Ronayne called Mr. ——— a ruffian; the brother to Mr. ——— then came in, and Mr. ——— complained to him that Mr. Ronayne had called him a ruffian; the priest, Mr. ———, immediately said, so you are, a young ruffian. Mr. ——— said, that only he was a Quaker, they dare not treat him so. Mr. Ronayne said that he would make his heart quake in him. ———, the miller, was then called out to them; they spoke to him and asked him to go with them; he refused to do so, until his employers were done with him; by this time several of the mob had got into the mill and were becoming very unruly, on which Mr. Ronayne, Mr. ———, and Mr. ——— took them away, seemingly apprehensive that the mob might go too far and commit some outrage; and subsequently this elector voted for Mr. Ronayne, and told his employers, with tears in his eyes, that he was obliged to do so through terror of his life.

5285. Did not the gentleman discharge the elector?—I believe he did.

5286. Was he dismissed by Mr. ——— for voting against his wishes?—I believe he was.

5287. If the elector had been left to himself, from what you have understood of the transaction, would ——— have voted with his employers, or with Mr. Ronayne?—My opinion is, that he would have voted according to his employer's wishes.

5288. And that the threats held out were the cause of his voting for Mr. Ronayne?—Unquestionably.

5289. Are you aware that ——— came to Mr. Ronayne's committee, and there made a violent speech against Bagwell, and declared that he was strongly anxious to vote for Mr. Ronayne, and that he would bid his employers defiance?—I never heard of it till now.

5290. Will you proceed in any other cases?—I have no other cases for the Clonmel election.

5291. You have stated that on those names being posted, it was in contemplation to commence prosecutions against the authors of the hand-bill?—I reported to the Government for the purpose of procuring the opinion of the law adviser of the Crown, whether such a publication as that was indictable.

5292. What was there in the publication which you thought indictable?—It appeared to me by that publication that a selection was made of a certain class of persons, who had for a particular reason been selected to be held up either to be injured in their persons or properties.

5293. As to those enclosed in the black line?—Yes.

5294. Would it not have been equally prejudicial supposing the list had been published without the black line?—I think not.

5295. Would it have made them equally known?—No, it would not have called public attention so much to the mode in which they exercised their franchise.

5296. Do you think that the publishing any list of electors is likely to have effects prejudicial to those voters who vote against the popular side?—In the excited state in which the south of Ireland is, I am of opinion any publication containing

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taining a list of the electors and the persons for whom they voted would be prejudicial.

5297. Are you of opinion that if the votes could have been given secretly, and the mode therefore in which the elector voted could not have been known, the result of the election would have been different from what it actually was?—Upon that question I am not prepared to give an opinion, it opens the door to various considerations and different branches of the subject, which it would take me into too wide a field to answer.

5298. But at any rate you think that the publication of the names of electors is likely to be prejudicial to those electors individually, who vote against the popular side?—I think in the excited state of Ireland, of the south of Ireland, and particularly the county of Tipperary, the publication of such a list would probably be attended with danger to the persons or property of the electors.

5299. Can electors be held as responsible for the manner in which they vote to the non-electors, unless it is known to the non-electors in what manner the electors voted?—In substance the franchise is now virtually in the hands of the non-electors; it is a farce to say that there is such a thing as freedom of election in Ireland.

5300. Would it be an advisable thing that the electors should have the power, if representation was made to the Lord Lieutenant of the disturbed state of the district, to vote by ballot?—I cannot answer that question.

5301. Would the result of the election have been different if the votes could have been taken secretly?—That is quite matter of opinion; and it would be impossible for me to answer that question satisfactorily, without going into a calculation of the private scruples and the inward feelings of every elector.

5302. Do you conceive that a secret system of voting by ballot would leave the Catholic voter in Ireland free to vote according to his wishes, notwithstanding the system of confession which the Catholic makes to his priest?—I am not a Roman Catholic, and I cannot answer what passes between the elector when he goes to confession and his priest; I cannot say whether the mode in which he has voted becomes a part of the disclosure which he has to make to his priest, but if it be, I do conceive that, so far, that class of electors would have their votes divulged to a particular individual; whether that individual, the priest, would be bound to conceal what he so heard in confession is quite another question.

5303. Do you conceive that the vote by secret ballot in Ireland, with the Roman Catholics, could be as effective as it could be with the Protestants in England, or in the north of Ireland, in enabling them to vote according to their wishes?—My answer must very much depend upon the answer I previously gave, that I am not aware what passes in confessions; it might leak out in that way how the elector voted, but there are various other ways in which it would be disclosed.

5304. In your opinion, would secret voting in Ireland be a system, as far as you have considered the subject, which would have the effect of putting a stop to the intimidation which prevails?—I think it would have no kind of effect.

5305. Will you give your reasons why you think it would have no kind of effect?—I do not consider that vote by ballot in Ireland would in the slightest degree do away with the effects of intimidation, for I conceive that the same direct or indirect influence and violence over both person and opinion would be made use of, and though the elector might hold a fair face to his landlord or his employer, and promise to vote for the person that such employer or landlord wished, I am quite certain that he would be compelled by intimidation to vote in the way that the agitator, or whoever he might be, wished him to do.

5306. By what means would they compel him?—By the same means that are now put into effect with respect to open voting; I do conceive that it would be impossible to make the ballot so perfectly a secret transaction as not to let it escape how the individual voted.

5307. Suppose the vote to be taken in such way as that it consists of a man putting a ball into one box or the other; taking that as an instance, in what way could the mob, if they had pushed the voter against the door and brought him by force to the door of the husting, compel him to put the ball into one box or the other?—It may not be known at the moment whether he put in the black ball or the white ball, but it would very soon creep out how he voted; in fact, his own associates, his own friends, members of his own family, would very soon find out from

from him how he voted, and that intelligence, if it was unfavourable to their wishes, would spread like fire.

5308. Supposing he and his family chose to keep the secret, would they not be able to do it?—If you establish a system of freemasonry in every family, and institute a state secret to be in the keeping of each individual, such a thing might be obtained; but I do consider that human nature is so constituted that it would be impossible for individuals or their families to keep those secrets long.

5309. Is it not very natural that a man should keep the secret, from the divulging of which he would receive a great deal of injury?—It would; and as far as his own habits of reserve would enable him to do so, if he thought the divulging of it would be attended with personal danger, it would be his interest to do so, but we know that people are not always able to keep a secret that would be very injurious to themselves if divulged.

5310. Suppose he chose to say that he had voted for the popular candidate, how would any body know that he had stated untruly?—In the way I stated before; he might in public say that he voted for one man, where, in truth, he voted for the other, but amongst his confidential associates he would divulge the real fact.

5311. Suppose he had stated in one society that he had voted one way, and in another society that he had voted another, it would be a matter of conjecture which was the truth?—To a certain extent it would.

5312. Therefore you could not attain an entire certainty as to which way he did vote?—Not a positive certainty.

5313. Then would it not be very possible that men who had voted one way might be supposed to have voted on the other?—Then the Committee are presuming upon a state of things in which men will not tell the truth?

5314. The Committee presume a state of things in which it could not be known which is true and which is false; and is not the knowledge of men in that state of things merely guess and uncertain?—If a man votes in secret, and states in public that he has voted for one person, where in point of fact he has voted for another person, he may, as an individual, be able to conceal the actual fact of how he voted; but you then establish a general state of society very far from being desirable, indeed.

5315. Is the present state of society desirable, do you think, in Ireland?—Very far from it.

5316. You were asked as to the effect of the ballot in confession, you said you could not say how far ballot might be a protection in confession, not knowing whether political matters were revealed in confession; as far as you know of the influence of the priesthood in Ireland, is not that influence generally made use of for political purposes?—I think the priests latterly have very ostentatiously put themselves forward as politicians.

5317. If they made use of their power which they possess in confession for the purposes of making known the vote which was given by ballot, do not you think that that power would be effectual in leading the elector to reveal the vote?—Clearly.

5318. Do not you therefore think that by that means the priests would obtain a power given to no others in Ireland?—I clearly see that they would become the depositaries of the way in which every individual voted; but I have always understood that the confessions or disclosures made under the seal of confession, were strictly held by the priest to be sacred; I speak now from matters of general notoriety, and not from my own knowledge.

5319. But though they may be sacred with respect to the priests revealing in confession, do not you suppose that if the intention of the person is made known to him, he will make use of his power to influence the vote?—That is presuming that the confession extends to the elector's intention how to vote.

5320. Have you not stated in a former answer that you were not aware of what passed in confession between the Catholic and his priest?—Certainly.

5321. Then you are not aware whether it is within the competency of the priest who confesses the Roman Catholic, to inquire of him in what way he has voted?—I have no way of giving an opinion upon that subject, except from common report and matter of notoriety, open to every body; what I intend to convey is this, that I have no other way of knowing what passes in confession than any member of this Committee.

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5322. You, as a stipendiary magistrate, have very often had occasion to exert yourself for the purpose of detecting offenders?—Certainly, it is my duty.

5323. Have you in some instances been instrumental in obtaining the discovery of offenders through the intervention of the clergy?—Yes, I have.

5324. Does not your experience of the Roman Catholic clergy, which appears to have existed to some extent, at least in your official capacity, lead you to the conclusion that the Roman Catholic clergy are bound by secresy respecting every thing that is communicated in confession?—I have always heard that they are.

5325. Do not you believe that Roman Catholic priests keep secret communications made to them by offenders?—I believe they do; I have heard it always stated that communications made under the seal of confession were sacred.

5326. Do you recollect a case where you yourself usefully interposed with respect to the murderers of Shea, in which the discovery of the offence was obtained by the refusal of the priest to give absolution to the witness, till the witness should give information to the Government, though the priest himself was bound to secresy?—The witness so stated upon the table.

5327. So that in that case the priest did not make the disclosure, though he insisted upon the witness making the disclosure for the purposes of justice?—The witness so stated upon the table.

5328. Then your conclusion is, that the priest is bound to secresy in the first place, and the priest observes secresy?—As to his observing secresy, I have formed no opinion; I have always understood that the priest was bound to secresy, and I believe that he does keep secret those communications made in confession, but I cannot state positively.

5329. Is it your opinion, from your knowledge of the Catholic priesthood, that they do not disclose what is made known to them in confession?—I believe not.

5330. Then supposing the priest were to inquire of the penitent how he voted, the priest would be bound to secresy?—I take it that he would not disclose to any one person how that individual voted, but it would serve as a future land-mark to the priest how he could exert his influence upon that individual, supposing that that individual had voted in any way opposed to the wishes of the priest.

5331. But if a number of Roman Catholic clergymen of respectability were produced as witnesses upon the subject, of which they must have better cognizance than yourself, and they were all to concur in asserting, that it would be criminal upon the part of the priest to ask any question with respect to the vote, and still more criminal to make a disclosure; do not you think that such evidence in the first place must be much preferable to your conjecture, and would it not lead you to think that the confessional could not be used as a means for counteracting the secresy of the ballot?—Mine is merely conjecture, and must be taken according to its value.

5332. Assuming that the priest does not reveal what passes between him and his penitent at confession, may not a priest, occasionally displaying as you have said his political power, exercise over his penitent an influence interfering so far with the free wishes of the voter as to induce that voter to vote according to the popular wishes; for instance, has he not the power of spiritual consolation to that individual in giving him when sick, or after any crime he may have committed, absolution; has he not a great spiritual influence and control over that individual, and if the secret power of the ballot were to be established, would not the priest have a much larger power and influence than any other individual in Ireland?—I do conceive that he would have not only an indirect influence as to the immediate election, but he would have a direct influence as to all future elections, because if he became apprized, under the seal of confession, how an elector had voted on a particular election, and that that vote was given against the priest's wishes, of course, the priest would direct his influence at a future election to induce that elector to vote differently than he had done before, and according to the views of the priest on the particular occasion.

5333. Do not you know that the priests exercise their influence even in the chapels whilst the congregation are assembled for divine service, in directing voters how they shall vote?—I am not able to mention instances, but there is no doubt of it.

5334. If a report were to be made to you from officers in the army that the priest had in the course of his sermon, or in his discourse, alluded to those for whom the voters ought to vote, or that he held up to public obloquy the candi-

dates

dates who were on the Conservative side; should you not conceive that such an appeal made in the chapel was calculated to influence the Catholic voters?—Most powerfully.

5335. The Committee have mentioned to you a particular case of outrage where the priest had learned the particulars in confession, and the priest made use of his influence as a priest to make the witness give information, when he himself could not give the information; do not you suppose, though the priest might not reveal the vote that was explained to him in secret in confession, that he would have equal power to have that vote revealed in any way he pointed out, though he himself might not do it?—I do not think they are parallel cases.

5336. What is the distinction?—In the case to which allusion was made, it was the murder of 16 individuals, who were burnt to death: the witness who was produced for the prosecution, on the table, swore that the priest had refused to give her absolution until she went and made a disclosure of the crime to a magistrate; but with respect to a vote, I do conceive that the priest could have no claim either in religion, in law, or in common sense, to direct a voter to go before he should receive absolution, and to disclose to the magistrate, or to any body else, how he voted; I think the cases are totally different

5337. Do not you conceive that the priests consider advancing their political objects the most important power they possess?—I have no doubt that they do, and that that feeling has most remarkably predominated amongst them for the last two years.

5338. And though you consider that those cases are not parallel cases, and though you know nothing of confession as far as you know of the political power of the priests, and the objects they seek to attain; do not you suppose that they would seek to make use of their influence in any way they can to promote those political objects?—I do.

5339. You have spoken of the excitement of the county, and the contribution which the Roman Catholic clergy have made to that excitement at the elections: you were examined upon the Tithe Committee in 1832?—I was.

5340. Did you not then state that you conceived that the excitement of the country arose in a great measure from its misrule by the Government, in reference to the tithes?—Not that I remember.

5341. Did you not state that you conceived that the country could not be tranquillized without making a total change in the tithe system?—The substance of the opinion that I gave was, that unless there was some alteration in the then system of tithe, it would require a greater body of troops than could conveniently be spared for that purpose.

5342. Did not you also state that you conceived that the excitement of the country arose very much from the tithe system, as it then existed in Ireland?—No, I did not, indeed, nor do I consider it now.

5343. Do not you conceive that the Roman Catholic clergy, in exciting the people, with reference to the elections, have applied themselves very strongly and mainly to the tithe system?—I really cannot say that I would limit their exertions to the tithe system.

5344. Have they not, in a great measure, applied themselves to the tithe system?—I cannot, as I said before, confine their exertions to that, because it appears to me that they have thrust themselves forward on all occasions where it was possible, to obtain an influence over the minds of the people, in order to direct their weight in whatever channel their political bias might direct.

5345. Are you aware that the Roman Catholic bishops have given directions that Roman Catholic chapels should not be used for public meetings?—I am; and I am aware that those orders have not been complied with.

5346. Are you aware that the Roman Catholic bishops have the power of enforcing those orders?—I really do not know; I should suppose that they have.

5347. Are you aware that Doctor Abraham, the Roman Catholic bishop of Waterford, originally forbade his clergy to interfere in elections; but that in consequence of the necessity which he felt to put an end to the evils of the tithe system, he reversed his order, and allowed the clergy to interfere in the last election?—I heard, soon after Doctor Abraham was appointed to the titular see of Waterford, that he did set his face against agitation, and against permitting his priests to interfere in politics. I am aware that they have done so nevertheless, but what the reasons for the change are, I cannot say.

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5348. Then you are not aware that the tithe system was the ground alleged by Doctor Abraham for permitting the priests to interfere?—I am not.

5349. Do not you conceive that the tithes of Ireland have given rise to a great deal of the excitement, and have been among the motives for the active exertions of the priests, which you say have greatly augmented in the last three or four years?—I think the question of tithes has been made very much a stalking horse, with respect to the agitation of the county in which I reside; tithes forms a prominent question. With respect to the tithe system being the cause of the extraordinary extent of outrage in my county, I think that I am prepared to prove that it is not at all an exciting cause.

5350. The question refers to the political excitement connected with the elections and the interference of the priests; have not that excitement and those exertions been very much enhanced by the evils of the tithe system?—Unquestionably.

5351. Are you not aware that Rathcormac and Newtownbarry and Carrickshock, and the other unfortunate instances in which human blood has been shed in Ireland, have been referred to by the Roman Catholic priesthood in their appeals to the people?—Always, when the opportunity occurs.

5352. And that they have told the people that they felt it to be their duty, as Christian ministers, to endeavour to put an end to the system which led to so much outrage?—That has been the outline, I think, of their declarations.

5353. Do you conceive that there are any means by which the influence of the priests can be put an end to?—No, I am not quite prepared to say that I know of any means of putting an end to the influence of the priests; but I think there is at this moment a very strong reaction among the people; the people feel that the priests are drawing the cord too tight; that that influence is exercised upon many occasions unnecessarily and harshly; and I know instances of some very recent cases of violent resistance, on the part of individual Roman Catholics, to the influence attempted to be exercised by the priests.

5354. Then you conceive, that the influence of the priest is now upon the decline?—I will not say now upon the decline, but I think that we are now at the commencement of it. I think the resistance of the people to the priests is beginning to extend. I think the priest has hitherto been able to exert a successful and very predominant influence in favour of agitating purposes; but I think that wherever there is a priest inclined to calm the waters, he becomes quite inoperative, the people will not go with him.

5355. Then it is because the priest coincides with the people that he possesses power, but if he attempts to contradict the people, his influence becomes not only impaired but annihilated?—Very much so; and I am aware that many priests are obliged to agitate for their daily bread.

5356. What remedy would you suggest for this unfortunate state of the Roman Catholic priesthood with respect to elections?—With respect to intimidation at elections, I have given the question some consideration, and I confess the more I look at it, the more I see it surrounded by practical difficulties; there is but one course that I can recommend, and I am quite sure I am going to state that which will not be a very popular opinion, and that which I think the state of the public mind is at present not prepared to adopt; but I think it is one that eventually the legislature will be driven to embrace, I mean that of diminishing the franchise, by raising the qualification, and giving votes only to such persons who from their properties, their station in life, and their education, will be likely to exercise that franchise free from the control of the landlord upon the one side, and free from the occult power of the priest on the other.

5357. You have been asked, with regard to the Bishop of Waterford being hostile to the interference of Catholic priests under his control; have you seen any letters of Dr. M'Hale in the last six months?—I have read them in the newspapers.

5358. He is a great authority in the Catholic church, is he not?—Since the death of Dr. Doyle, he is considered to be one of the first among the people.

5359. Are those pastoral letters of Dr. M'Hale hostile to the interference of the priesthood?—I should think their tendency to be very much otherwise.

5360. You have said, that you think that tithes have been made a stalking-horse and a pretext for that interference, and that that probably may have given rise to interference in the first instance; are you of opinion, that any alteration in the mode of paying the Established Church in Ireland, accompanied with some diminution

diminution in the amount, would put an end to that interference as it is now established?—Certainly not; another question, and another and another will arise, which the priests will make use of for the purpose of still retaining their influence and power.

5361. Supposing the amount of payment were reduced 30 per cent. and that still the Established Church received the remaining 70 per cent., which, whether in the shape of direct payment or indirect payment, contributed by the Roman Catholic population, do you think there would be sufficient ground for the continuance of the stalking-horse?—I think not to the same extent.

5362. You think that priestly interference would diminish?—I do not mean to say that; but I do think, even if tithes were modified in any way whatever, so long as tithes are paid they would be considered to be a grievance by the great mass of the inhabitants of the south of Ireland.

5363. You have said that priestly intimidation at elections does exist; upon the whole, are you of opinion that ballot is a cure for such interference?—It is a very rough, and it appears to me a very dangerous dose, and very questionable whether it would be a cure.

5364. Do you think, in addition to the inefficiency of the system of ballot, to which you have deposed, if ballot were established through the hypocrisy which every freeholder would be obliged to observe, that great immorality and falsehood would prevail between man and man?—I think I have already conveyed to the Committee (if I have not done so, I have failed in my object) that it would produce a state of society of a very disgusting description.

5365. Are you not in the army?—I have been 27 years in a military or civil capacity.

5366. Were you ever a candidate for a medical situation in a hospital or dispensary?—Yes.

5367. Was ballot established in that case?—No.

5368. Are you not aware that Dr. M'Hale has justified the interference of the priests, on the ground that religion and humanity required that a termination should be put to the crimes and calamities arising from the tithe system?—I dare say he has; I have not read his letters very attentively, but I make no doubt that he has.

5369. Are you aware whether Dr. M'Hale's name is signed to the declaration made by the bishops in 1830, after the passing of the Catholic Emancipation Bill, that they forbade that their chapels should be used for any political or temporal purposes?—I am under the impression that he was one of the persons who signed that, but I cannot speak from my recollection.

5370. Was not the hope as general in Ireland, and on your own part as firm, that peace would be obtained by Catholic concession, as can now exist that peace will be obtained by the cessation of the tithe system?—There was at the time of the concession of the Catholic question a very general impression amongst those persons, particularly those Protestants who were favourable to the measure, that it would have been attended with such results as the question points out.

5371. You have read a number of instances from a paper which you have produced, respecting the exercise of intimidation on the popular side; did you collect those instances from official reports made to you?—Some of them were official reports, and some I collected from inquiries made by myself.

5372. You have mentioned the case of ———, and you have given a long detail of the exertions made to persuade ——— to vote on the popular side; did you, after examining Mr. ———, who appears to have been a partisan or a supporter of Mr. Bagwell, take the trouble, in order to enable you to give further and more exact information, of examining ——— himself?—I did not.

5373. ——— is a Roman Catholic?—I never saw the man, but I believe that he is.

5374. Why do you say that you believe, if he had been left free from influence, he would have voted for Mr. Bagwell?—From the natural influence which an employer ought to have over his servant. ——— had been seven years, I understand, in Mr. ———'s employment as a miller, receiving good wages.

5375. If he had been left to himself by his employer as well as by the people, on which side would he have voted?—I cannot tell how he would have voted, not knowing the man.

5376. Then he was not left to himself since his employer did interfere?—If his employer asked him to vote for a particular person, he was not left to himself.

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5377. And the man was turned away by his employer afterwards for not having voted as he wished?—I believe it.

5378. Then ——— was not left to himself?—He was not.

5379. Did you not state that this gentleman is a Quaker of a very respectable character, and that he employs upon an average 1,000 men a day, and that of those, 900 at least are Roman Catholics?—Certainly.

5380. Do not you conceive that a person so employing an individual for seven years might expect that that individual would vote according to his wishes?—I do consider that it would be a very legitimate kind of influence for an employer to exercise, to ask one of his workmen to support a favourite candidate.

5381. Did you ever conceive, during the progress of the Reform Bill, that the just influence of property was to be excluded?—I should suppose not.

5382. Are you not aware that it was stated, on the side of those who introduced the Reform Bill, that the just influence of property was to be felt?—I am not aware.

5383. You stated that Mr. ———'s son, a young man, had been, on account of the line which he took in favour of Mr. Bagwell, pelted in the streets, and two bulldogs set at him?—At his horse, on which he was riding.

5384. Might not the misconduct of this mob to this gentleman employing so many persons, and the apparent ingratitude of ——— voting against him, have tended to cause the dismissal of ——— for the vote that he gave?—I have no doubt that Mr. ——— was very angry at the treatment which he had received and which his son had received.

5385. Do you consider that the dismissal of ——— on the part of his employer was merely because he had voted against his wishes, or that he was exasperated against him because of the ill treatment which he and his son had received at this election?—I think I have heard Mr. ——— express an opinion to this effect, that ——— had adopted the party that had ill-treated him (Mr. ———).

5386. Have you any reason to believe that ——— was at all concerned in this pelting of Mr. ———?—No.

5387. Have you any reason to believe that he did any thing to offend Mr. ——— except voting as you have stated?—No.

5388. Do you wish the Committee to understand that such is the state of affairs in Ireland, that the Catholic, if left to himself, would not naturally vote for a Protestant, regardless of all other considerations except the difference of religion?—I do not think that we are in that state of society that a Catholic would, because he was a Catholic, vote against a Protestant merely because he is a Protestant.

5389. Does it not appear from the result of the poll on the Clonmel election, that 49 Roman Catholics voted Mr. Bagwell?—I do not exactly know.

5390. Do you think that ——— would rather have voted in compliance with the wish of his employer, or in obedience to the influence which was used to obtain his vote?—I cannot say, for I never saw the man, but I do believe that if he was left free to act, he would more naturally have acted with his employer than with the mob.

5391. You collected the information to which you refer respecting intimidation, in consequence of directions you obtained from Government?—I think I had received instructions; the impression upon my mind is, that I did receive those instructions, but I am quite sure that previous to receiving those instructions (if I received them, which I do not distinctly remember), I did feel that the evil was a great practical grievance, and I did apply myself to obtain such information as I could procure of instances of violence, or what I considered undue intimidation at the election.

5392. Your attention therefore was pointed to intimidation on one side in a great measure?—No, not to intimidation on one side.

5393. You have instances of intimidation upon one side exclusively?—Of violence.

5394. The collection of examples that you have produced to the Committee is confined to violence upon one side?—Of course there has been influence exercised upon the other, but I am not aware of any instance where violence has been had recourse to.

5395. You say that your report is confined to acts of violence, did you report any of those instances to Government in which parties have been injured in their trade?—I do not remember that I made any report to Government detailing the great

great bulk of those instances which I have related; I have made general reports upon the state of the popular mind at, immediately before, or immediately after the elections.

5396. Your reports which have been referred to were made in the month of January?—One is the 17th of January and one the 1st of February, and one the 2d of February, and one on the 17th of February.

5397. The letter to Major Miller is in the month of February, but your reports to Government were in the month of February; if any letter on the part of Government requiring its officers to report as to the precise interference of the priests is dated in February, you will admit that your reports to Government were not made in consequence of any instructions from Government?—I spoke vaguely as to any directions which I received from Government to report, but I have a letter dated the 7th of April, and it is signed by Sir William Gossett.

5398. Will you read it?—"Dublin Castle, 7th April 1835. Sir,—I am directed by the Lord Lieutenant to desire that you will hold yourself in readiness to attend the Committee of the House of Commons upon bribery, corruption and intimidation at elections; you will receive notice some days previously of the time at which your attendance will be required; in the mean time you will direct your attention to such specific instances of intimidation or undue interference as you can speak to from your own knowledge. On your arrival in Dublin you will apply at this office for such papers as you may have forwarded relating to the above subjects, and with which you will be furnished. (signed) Wm. Gossett."

5399. Are you aware whether you received, previous to the 13th of January, the date of the extract of your report, any particular instruction from Government to report facts as regarded the conduct of the priests alone, or were you directed to make a report according to the practice of former years?—Before the 13th of January I received no instruction to furnish details.

5400. Were you to report according to your usual custom upon procuring information?—Yes.

5401. Then the reports which you admit to be yours, and which have been read to you, were made in January 1835, on a similar principle on which they would have been made to Government in 1834?—Precisely.

5402. Then you were not induced, in consequence of any particular instructions from the Government in 1835, to make those reports to the Committee?—None whatever; I should have made those reports in 1832 or 1833 or 1834. According to the Act of Parliament, I am obliged to make a monthly report of the occurrences of my district, and a special report in all cases that may call for it.

5403. Did you report Mr. ———'s dismissal by his employers as an instance in which parties had been injured after the election for the vote they had given?—I did not; I never made any report to the Government upon the case of ———, and I am not aware that I specified any of those particular cases in the report to Government; I think it was in reference to the Government order of the 7th of April, intimating that I should be examined as a witness before this Committee, that I collected those details.

5404. Are you in the habit of reporting to the Government the interferences between the landlords and the tenants at the election?—I am not, nor do I consider it my duty to report any thing unconnected with the disturbances in the county.

5405. If you heard that a priest had in his chapel, during the election, used inflammatory language in his official capacity as a priest, would you consider it your duty to report that?—I should, as tending to a breach of the peace.

5406. Then the reports of those transactions made by officers to Government are, in your opinion, reports which ought to be made to Government; but the individual cases between landlords and tenants, unless there were special circumstances connected with them, ought not to be made matter of report?—I think those inflammatory harangues addressed to the populace it is the duty of the officer to report, as tending to a breach of the peace; in regard to transactions between landlord and tenant, where they do not tend to general disturbance, I think the officer would be stepping out of his course to trouble the Government by such reports.

5407. Did you, after receiving that letter from Sir William Gossett, in which Sir William Gossett desires that you should investigate cases of intimidation and undue influence, make out a list of those instances which you have this day produced, and was it in consequence of that letter that you did so?—Some I was in

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possession of before, and the details of some I obtained subsequently to the receipt of the letter of the 7th of April.

5408. That document you prepared to assist you in giving evidence?—Yes.

5409. Are not all the instances on one side?—It so appears, that they are all instances of violence on one side.

5410. And in that list you did not take down the case of undue influence, in which it appears that ——— was punished by his employer?—That part of the case of ——— is not given in my notes that he was dismissed.

5411. Was that because you did not consider it undue influence; is the case of ——— a case of undue influence of his employer?—I do conceive if I was an employer, giving bread to an individual for many years, paying him high wages, and receiving from him valuable services, that there ought to be an existing good will and good feeling between us; and that if I was desirous to promote the interests of a particular candidate, and I addressed my workman and said, I have a particular object to gain here, and you will much oblige me if you will vote so and so, if my workman had refused to oblige me on that occasion, having received so many obligations from me, and refused to return those obligations, I do conceive that I would be justified, if I thought right so to do, to dismiss him from my employment.

5412. As you do not appear to consider the case of ——— an instance of undue influence, you have not taken down in your collection of examples any instances of an analogous nature?—I have not; I have gone through, I believe, the entire cases in reference to Clonmel.

5413. You have not taken down any instances in which Mr. Bagwell, the landlord of a great part of Clonmel, exercised his control for the purpose of inducing his tenants to vote for him?—I am not aware of any instances where he exercised such a degree of influence over his tenants as to coerce them to vote.

5414. But you made an investigation of the extent to which popular violence was carried in elections, because you thought it your duty; but you did not make an inquiry into the other side?—I am not aware of any instances; that such instances do exist, it is very probable; I did hear Mr. Bagwell say, subsequently to the election, that he certainly would not allow persons to vote against him out of his own houses.

5415. Acts of popular violence are either attended by a breach of the peace, or lead directly to breaches of the peace, do they not?—Certainly they do.

5416. As such, is it not your duty as a magistrate to report them to the Government?—If particular instances occur, such as I think it requisite to report the details of to Government, I do so.

5417. Is control exercised over tenants any breach of any existing law?—I am not aware that it is.

5418. If it be not any breach of any existing law, is it your duty to report such facts to the Government that are not any breach of any existing law, or in defiance of any existing law?—No.

5419. You were asked, why you did not report instances of the influence of the landlord in the case of ———; was it not because the strong influence was successful upon him?—In fact, I did not report upon the influence used upon ——— one way or the other.

5420. Do not you consider it as a signal, though not a singular instance of a power, or an influence that exceeds all the influence of the landlord?—I think it is a very striking instance.

5421. If you knew of cases where landlords made use of acts to enforce the obedience of tenants which induced violations of the peace, such as the influence made use of by the Roman Catholic priests, or other persons; would you not have reported those outrages to the Government?—I should have been very deficient in my duty if I had not.

5422. Therefore, when the question is put, that all those outrages appear upon one side, is it that you had not heard of any instances on the other to enforce obedience to the wishes of individuals?—I have said that I am not aware of any instances of violation or intimidation on the other side.

5423. Are you able to state to the Committee whether or not any instances like that of ——— occurred in Clonmel after the last election, in reference to the control of employers or landlords?—I am quite sure that all the gentlemen and electors in favour of Mr. Bagwell did exercise an influence over those who were beneath them, with a view to induce them to vote for their favourite candidate.

5424. Are

5424. Are you acquainted with Mr. ——— in Clonmel?—I am.

5425. Are you aware that Mr. ——— promised to vote for Mr. Ronayne, and afterwards voted for Mr. Bagwell, because he said that he had been terrified by Mr. Bagwell?—I am not aware of any thing of the kind; I heard that Mr. ——— voted for Mr. Bagwell, and in consequence of his having done so, he was obliged to make his escape through a back way out of the court-house, I believe through the mayor's garden, and to confine himself in his house, and get out of the town as soon as he could.

5426. Are you aware that he promised to vote for Mr. Ronayne and voted for Mr. Bagwell, because he said he was afraid of incurring the displeasure of Mr. Bagwell?—I never heard of it till this moment.

5427. The gentry in the neighbourhood were favourable to Mr. Bagwell?—Almost to a man.

5428. Are you aware of their having endeavoured to influence the shopkeepers with whom they dealt?—I am not, but I think it not unlikely.

5429. Did you take any part yourself in the election at Clonmel?—No, I do not reside at Clonmel.

5430. Were you appointed stipendiary magistrate by the Duke of Wellington's Government?—Yes.

5431. You said that a friar had pursued a person of the name of ———?—I mentioned that I believed the friar's name was ———, and that he was accompanied by a Mr. ———, as I was informed.

5432. And that Catholic voter was obliged to vote against his will?—Yes, he was so, as I have heard.

5433. When you say a friar, what description of establishment does he belong to?—They are an irregular kind of clergymen that are to be found in certain parts of Ireland, distinct from the parochial clergy.

5434. In Tipperary are there many of this class?—I do not think that there are many.

5435. Upon whose appointment do they depend?—I know nothing about their appointment, but they are subsisted by collections made in the chapels.

5436. You have stated that the elder Catholic priests are generally less violent in their political interference than their younger coadjutors?—I have so stated.

5437. Do you think that the priests who have been latterly sent to parishes, the young ones, have exercised a greater political influence than the elder ones were induced to take?—Much more, particularly in the town of Clonmel.

5438. Is it the habit, if there is an elderly parish priest who is of mild and inoffensive manners, and not much of a partisan in politics, to attach to that particular parish priest a coadjutor of a more agitating disposition and nature?—I do not know what is the habit, but it is frequently found to be the case.

5439. So that the vigour and energy of the one makes up for the inoffensiveness and mildness of the other?—It has been the case with respect to Clonmel, where the parish priest has been a respectable gentleman of very quiet and peaceable habits, and he was associated with a coadjutor of a very active nature.

5440. What is the income of that parish priest?—I should take it to be a thousand a year.

5441. What may be the income of the coadjutor?—I do not know.

5442. You mentioned that Mr. ——— gave great employment to the people; is not Mr. ——— what is called a strong politician?—He is a man of warm feelings in politics.

5443. Are not all the Quakers in Clonmel partisans on one side?—They all vote one way, they support one influence.

5444. And thus unfortunately the influence of Mr. ——— in politics has counteracted the natural and just influence which his good qualities and the utility to which he contributes would produce?—That unfortunately is the case.

5445. Where is the last place you attended a city election?—Cashel.

5446. Were you at the last contested election?—No, not at the last; I was at the previous one, and at several in the county.

5447. Can you mention any facts as to intimidation that took place at the time the election was going on in Cashel?—I do not think that we had any acts of intimidation. I have a report from Mr. Pennefather as to undue influence.

5448. On whose part was this influence made use of?—On the part of the parish priest.

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5449. Did those priests go up with the people to the hustings?—Many I saw myself.

5450. Did the other side bring up their voters under that fear or intimidation?—They went up under no expectation of violence, because it appeared that they had no chance of success; indeed, I must say that, at the last contested election in Cashel, it was conducted with a great deal of good humour and no violence; but there was a great deal of undue influence and improper interference on the part of the priests with the tenants of Mr. Pennefather on the commons of Cashel, all of whom had pledged themselves to vote for him. I hold in my hand a report from Mr. Pennefather's agent upon this subject.

5451. Will you read that report?—"Cashel, 17th February 1835. Dear Sir,—As professional agent on behalf of Mr. Pennefather of Newark, upon the late election for Cashel, I have been requested by him and his brother William, to afford you all the information in my power upon the subject of the undue influence and intimidation used by the Roman Catholic priests, and Mr. Pennefather's consequent defeat upon that occasion. And this I am the more anxious to do from the consideration that Government ought to be supplied with all facts bearing generally upon this point, in order to form sufficient grounds for applying to Parliament to adopt some practical remedy for such an abuse; I hasten therefore to put you in possession of such facts relative to this interference as have come to my knowledge, premising that from the difficulties of procuring information against a R———, increased by an unwillingness to communicate with me from ——— of the employment in which I was engaged, I was unable to procure information respecting many acts done by them, which were matter of notoriety in Cashel, and which consequently I am obliged to omit here. There are about 245 electors for this borough, upwards of 80 of whom are the tenants of the Messrs. Pennefather on the commons lands, and who are all of that class of persons most liable to be influenced by the dictum of their clergy. Almost all the respectable inhabitants of the city and these common tenants pledged themselves to support Mr. Pennefather upon the election, and had the latter fulfilled their promises, he would undoubtedly have been returned by a respectable majority. Those opposed to his election, the repealers and radicals, joined by the Roman Catholic priests, exerted themselves with perseverance and success to compel that class of the electors, who were more particularly under priestly influence, to break the promises they had made their landlords, and to vote for Serjeant Perrin. They made frequent excursions to the commons in large mobs, headed by the priest or his coadjutors and itinerant mob orators, all of whom addressed the people in inflammatory language, from stages erected for the purpose, in different places on the commons, and also from platforms erected in the city, the tenor of which was that the electors should vote for their country and their religion. Serjeant Perrin was introduced to an immense assemblage in the city on New-year's day by the parish priest, M'Donnell, who accompanied him into town at the head of a large party of his supporters, and upon that occasion the priest addressed the multitude present from the platform, telling them amongst other things, 'that Mr. Perrin was the friend of freedom, who was pledged to cleanse their foul and abominable corporation, and who under God should do so; and he called on them to lay their votes on the altar of their country by electing Mr. Perrin.' In the priest's visits to the commons and his interviews with the tenants, he threatened them with the deprivation of the rites of their religion; 'that he would melt them off the face of the earth; that he would put the sickness on them, that they should not dare to vote as they liked, but as he (the priest) liked; that if they did, the grass should grow at their door,' wiping his boots there at the time. He also held stations (places for holding confessions) at the houses of those electors who were the most difficult to gain over, and upon those occasions threatened or cajoled or exposed them as best suited his views. He kept, or said he kept, a list of all who would vote for Mr. Pennefather, and that this should lie on his chimney-piece for public inspection. In one of his speeches from the platform in the city to a large assemblage, he said, 'that any man who would vote for Pennefather would be guilty of the blood of those who were killed at Rathcormac, and that the wives of the electors should throw their arms round their husbands and prevent them by force from disgracing themselves by voting for Pennefather.' This priest, or his coadjutor, in his chapel on a Sunday immediately before the election, told his congregation that he had proof that the Pennefathers had hired five or six men to assassinate somebody (meaning of course himself), and had paid them a part of the

the money in hand; he alluded to this in a speech at the commons, saying, "He might be *assassinated,* but as long as he pleased his parishioners he cared for nobody. From these, amongst numerous instances of intimidation and undue interference by the Roman Catholic priests, it followed as a natural consequence that the tenantry of the Messrs. Pennefather on the commons were induced to vote, and did vote, against their landlords contrary to their promises, freely and positively given, and also contrary to their own wishes; and thus Mr. Perrin was elected by a large majority. Should any other facts in corroboration of the foregoing statement come to my knowledge, I shall be happy to communicate them. (signed) Thomas Pennefather."

5452. Did you apply to Mr. Pennefather, who acted as the agent of one of the candidates?—I wrote to Mr. William Pennefather, who is the brother of the candidate, to ask if any instance of violence or intimidation had come to his knowledge.

5453. Do you not think that you applied to a source the most interested and partial to which you could apply, swayed by strong partisanship, and affected by the strongest influence both of a public and a domestic kind?—I applied to that individual who I thought was capable of giving the most information as to the means that were used over his tenants to induce them to vote against his wish.

5454. Did you apply to Serjeant Perrin, or any body on his side in politics, to know whether any influence had been used?—No, I did not think that necessary; the serjeant had a most overwhelming majority, three to one.

5455. Was there any intimidation which came to your knowledge, which might have induced you to make that inquiry respecting Mr. Pennefather?—Most certainly not; and residing at Cashel, nothing of that kind could occur without coming to my knowledge.

5456. Had you been aware that Mr. Pennefather, or his agent, had applied themselves to coerce any voter improperly, you would have felt it your duty to make inquiries of the adverse party?—Certainly, if that influence had been exercised in such a way as to tend to a disturbance or breach of the law, I should.

5457. But being upon the spot, and knowing that that was not the case, you did not think it necessary to apply to Mr. Perrin?—I did not.

5458. As an eye-witness upon the spot, and a magistrate, you had an opportunity of judging of every intimidation, and every other cause that led to a certain effect, do you not think that the rights invested in the landlord were effectual to make the election end as it did?—From what I know of the details of the borough of Cashel, if that influence had not been exercised, I have no doubt that the landlord, Mr. Pennefather, would have been returned.

5459. You said that one party went up attended by their priests, and the other party went up without much fear, do you think that those persons, supposing they had thought that it was a doubtful result, would have been liable to great aggression and attack, and could not have gone up with safety?—I may flatter myself, but I do feel that I have so much influence with the inhabitants of Cashel, that I think I should have been able to preserve the peace.

5460. But it might have been a chance?—The inhabitants of the lower classes of Cashel have done me the favour, on many occasions, of being guided by my advice when I found they were going to commit acts of violence, or do things which had a tendency to produce mischief; they have been very often influenced by my advice.

5461. Can you state any particular instances of priests using threats to enforce the votes?—No, I cannot of my own knowledge. I know nothing about that.

5462. Do you know of the priest producing certificates of men who were to vote out of his own pocket at the hustings?—No, I cannot say that I do. I have heard of instances where the priests did get possession of the certificates of registry, and where Mr. O'Brien, who exercises extensive influence, did so, but the people found out that they could vote whether they had those certificates or not.

5463. If the persons went up who were attended by the priests, and voted contrary to the way which the priests expected, would they not have been subject to violence?—I think they would have been subject at all events to very unpleasant feeling among their own immediate friends and neighbours.

5464. Did you ever know a Protestant clergyman in that place take the part which the priest has done?—If it was his intention, he has not the power; he is a gentleman who does not interfere at all; he has not a vote.

5465. Do you conceive that the tenants called commoners voted at the last election

election agreeably to their political wishes or not?—I dare say agreeably to their political wishes they did; but I do think that if they were left unbiassed, they would be induced to vote with their landlord. They are peculiarly circumstanced in respect to property; they hold leases under Mr. Pennefather of the commons, and a question has been raised about the validity of that lease. They have been told that the lease is a bad one; that the person who made the lease had no right to make it.

5466. Did Mr. Pennefather turn out some of the voters who voted contrary to his wishes on the election before the last?—I do not remember that he did; but since the last contested election, I think he has looked for rents that were due to him from those tenants that he otherwise would not have looked for.

5467. Do you think it is possible that the intimidation, and the inflammatory speeches that have been used, may have been used to enable the tenants to plead to their landlords, as justification for their votes, the violence that might be exercised against them by other parties, as well as their landlords; that is, to furnish the tenant with an apology to the landlord, presuming that the tenant wished to vote against his landlord?—I am quite sure that the inducements that were held out to the people, were held out because they were considered to be the most likely to attain the object in view.

5468. Do you think that a tenant, who was afraid of his landlord, but who wished to vote with the people, would be glad of the excuse to his landlord that he was threatened by the people?—To be sure he would; most undoubtedly. The great mass of these tenants owed one, two and some of them three years' rent.

5469. Therefore, if they voted against Mr. Pennefather, they ran great risk of the whole of this arrear being demanded of them?—Yes.

5470. If, on the other hand, they voted in favour of the landlord, they ran great risk of annoyance and violence on the part of the people?—Yes.

5471. Therefore, whichever way they voted, a great amount of evil was likely to overtake them?—Yes, that is the fact.

5472. Supposing this man had voted by the ballot, would he have been in that position?—I think he could not conceal how he did vote, but that it would eventually be discovered.

5473. Supposing it could be effectually concealed?—Then he would certainly have the means of evading the unpleasant influence of one or the other, if it could be concealed.

5474. Mr. Pennefather is the possessor of a large property in that borough?—Almost the entire; the number of electors were 245.

5475. If the result of the election by ballot should be the loss of the candidate whom he supported, would he be better contented with his tenants, because they had thrown out his candidate in secret; and would he feel more kindly towards them than if he had done it openly?—No, I do not think he would.

5476. Would he clear the estates of all, because he suspected some?—I do see that that would open the door to the visiting of innocent persons with punishment.

5477. Would not that be a most frightful proceeding on the part of the landlord?—I do not say that it would be Mr. Pennefather's act; but if a proprietor, A. B., understood that some out of a mass of tenants had voted against his wishes, he might not be able to fasten upon the real delinquents, and in punishing some he might punish the innocent as well as the guilty.

5478. Would not his displeasure, if he sought to give effect to it from the necessity of the case, become general?—If he had a difficulty in arriving at the particular individuals who had gone against his wish, he might make that mistake.

5479. Then, whereas the oppression of the unjust landlord is now confined to particular instances, the oppression of the unjust landlord, under a system of ballot, would be more generally diffused?—Yes.

5480. Was Mr. Pennefather the individual who had it in his power to dispute the validity of those commons leases?—Mr. Pennefather, the brother of the candidate, is the proprietor; he holds the lease; it is from him the tenants hold.

5481. Was he the individual who had it in his power, if he pleased, to dispute the validity of those leases?—Certainly.

5482. In the instances you have cited respecting intimidation at Clonmel, you have spoken from hearsay, and not from your own knowledge?—Certainly, from hearsay, in the great mass of them.

5483. Do you speak from official reports made to you, or from mere casual reports?

reports?—Not entirely from official reports; sometimes from inquiries made by me on the spot, of the police and other persons. *G. Fitzgerald*, Esq. 29 June 1835.

5484. The persons whom you have interrogated upon the subject were partisans of Mr. Bagwell?—They were persons who had voted for him.

5485. Persons heated with the passions incident to an election?—They certainly were excited.

5486. Do you consider the reports made to you, and into which you have personally inquired, and which you have stated to this Committee, as valid as any written report which you would have made to Government?—Yes.

5487. You have introduced the name of a parish priest to whom you attributed a speech; did you interrogate that parish priest, and inform him that a charge had been brought against him, and give him an opportunity of making his justification before you gave evidence, by which he appears to be implicated before this Committee?—I did not.

5488. After making allowance for the sources from which your information is derived, recollecting that it is hearsay, and also admitting what you have just admitted in the question put to you, in regard to many personal charges, that the persons against whom they were directed had not an opportunity of vindicating themselves, are you of opinion that you have conveyed to this Committee a true impression of the facts, as bearing upon your own mind?—I have given these statements upon the faith of persons who communicated them to me, and those persons I considered to be entirely trustworthy; and the occurrences, in most instances, happened to the individuals whom I examined myself.

5489. Still the statements are *ex parte?*—Certainly.

Martis, 30° *die Junii*, 1835.

JOHN PARKER, ESQUIRE, IN THE CHAIR.

John Willcocks, Esq., called in; and Examined.

5490. YOU are a stipendiary magistrate in the county of Tipperary?—I am chief magistrate of police. *J. Willcocks*, Esq. 30 June 1835.

5491. How long have you held that office in the county?—Since 1832. I was appointed chief constable in 1821, and chief magistrate in 1832.

5492. By whom were you appointed to that situation?—By Lord Anglesey and Sir William Gossett.

5493. Your previous conduct as a public officer had given general satisfaction, and you were promoted to that situation?—I should suppose so; I was given the situation without any application on my part.

5494. Were your previous services in that county?—They were.

5495. Therefore, you have had a long experience in that district?—I know a good deal of the county of Tipperary.

5496. Do you recollect a report of yours of the 14th January 1835, which contains these words, "The priests are using all their influence, and every means in their power to induce the electors to vote for Mr. Ronayne; they go into the houses of the electors, who do not wish to vote against Mr. Bagwell, with the crucifix in their hands, and force them to the booths?"—I made that report; I saw the priests going into the houses of the electors, and I was told that they did produce a crucifix there; I did not see it myself, but I saw them at the head of a large number of persons going to the different houses, either canvassing or requesting the people to come to the poll.

5497. Do you conceive that by placing themselves at the head of those assemblies of men, they were using their influence for the purpose of making the electors vote according to their orders, in favour of the popular candidate?—I do.

5498. Have you any doubt of it?—Not the slightest.

5499. With regard to the description of force that was used, have any circumstances come to your knowledge, or have you from reports on which you place reliance, any knowledge of the priests having compelled people to come to the booths?—I know in the case of a gentleman, a Roman Catholic in the town of ———, a very respectable man, he was canvassed by three Roman Catholic clergymen between 9 and 10 o'clock at night; the clergyman that came into the room

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room where he was sitting was Mr. ———, from the adjacent parish, the parish of ———. Mr. ——— told him that he had a great respect for him from his years. This I had from Mr. ———'s own lips, but the other two young gentlemen that came with him he would not treat so civilly if they came to his room; that he had experience enough to be able to judge how he would give his vote. The next day Mr. ——— was on the last tally; I saw him poll for Mr. Bagwell; one of the ———, Mr. ——— I think it was, made some remark while Mr. ——— was giving his vote, which caused an excitement in the galleries. Mr. ——— was afraid to go out of the front door of the court-house, and he went the back way to the sub-sheriff's. I went into the sub-sheriff's to dinner a little after 5 o'clock, and I met Mr. ——— there; he seemed to be very much frightened, so much so that he called for a glass of wine before his dinner, and he told me that he was afraid to go home; he said that he would remain till 11 o'clock at night, that he would go home to his house, but that he would leave town the next morning before daylight, and would remain away till the excitement subsided.

5500. You have no doubt therefore, from the representations made to you personally by Mr. ———, a Roman Catholic, that the attempt to compel him to vote for Mr. Ronayne against Mr. Bagwell, was an attempt of priests coming in their capacity as priests, to influence him to vote?—I should suppose it was in their capacity of priests; I think you cannot draw any other inference from it.

5501. Were the two juniors priests also?—Yes, they were.

5502. Were they what is termed "coadjutors?"—I believe they were; he was the parish priest of ———

5503. There is another extract of a letter from you to Sir William Gossett, dated "Clonmel, the 16th of January 1835. The election for this borough has terminated in the return of Mr. Ronayne, by a majority of 10. Were it not for the great and undue influence used by the priests, Mr. Bagwell would have had a majority of at least 40 votes."—So I heard from Mr. Bagwell's friends, and that was my impression; the town was in great excitement, and the chaise in which Mr. Bagwell's voters were conveyed to and from the hustings was attacked, the traces cut, and the chaise broken; I then was obliged to go out with a party of dragoons to escort the chaise, and when in the act of escorting the chaise, I was struck with a stone myself at the head of the dragoons.

5504. Do you conceive that great violence and intimidation were used by the popular party on that occasion?—There was; and except for the protection of the military, the people, probably, could not have gone to the poll.

5505. Do you conceive that the election could have been carried on with safety to the lives of those who polled according to their wishes, unless the military and police had been present?—Most certainly not, for I was obliged to escort Mr. ———, who had been knocked down in the street, to Mr. Bagwell's committee room. I took his informations to that effect, and returned them to the peace office. I was obliged to escort him to Mr. Bagwell's committee room every day after the poll closed.

5506. Was the violence of the mob such, that they insulted you and any of the police?—They hooted us constantly; but the only act of violence was the blow of a stone which I received myself.

5507. Was the conduct of the military temperate?—Very temperate.

5508. Did they at all act as partisans during the election?—Not at all.

5509. Did they give dissatisfaction to either party?—I did not hear the slightest complaint made of them.

5510. Here is a letter from John Willcocks, esquire, to Major Miller, dated "Tipperary, 23d January 1835. I beg to enclose for your perusal, a letter from Mr. Bagwell, the unsuccessful candidate, returning me thanks for the manner in which the peace was preserved during the election for the town of Clonmel. There would have been serious rioting there were it not for the presence of the police and military. On the second day of polling the mob pelted stones at the chaise which was conveying Mr. Bagwell's voters, and broke it, in consequence of which I was obliged to escort it with a party of dragoons to and from the hustings during the remainder of the election. Mr. ———, who keeps a large manufactory, and pays, as I have been informed, over 300*l.* every week to the people in his employment, was shamefully treated by the mob on his way to vote; they spattered him with gutter, so that you could scarcely tell the colour of his coat. I am satisfied no respectable person who was solicitous for Mr. Bagwell's success

could have passed through the street if the military had not been employed in preserving order. When escorting the chaise, and riding with the dragoons, I was struck with a stone, but unfortunately could not arrest the fellow who threw it."—That is the fact. Mr. ——— showed himself to me; he was covered with dirt from top to bottom. He keeps a large manufactory there, and I understand that he paid 300 *l.* a week to the people in his employment.

5511. He therefore does a great deal of good in that neighbourhood?—Of course.

5512. But notwithstanding the claim he had to their good will, in consequence of his employment, they treated him in the manner you describe?—They did.

5513. Is he in politics, in ordinary times, much of a party man?—I believe not; I know very little of him.

5514. Do you reside at Clonmel?—No; I was sent to Clonmel by order of Government, to take charge of the police there during the election.

5515. Where is your usual place of residence?—The town of Tipperary.

5516. Is this letter an accurate one from you, addressed to Sir Henry Hardinge? "Tipperary, 3d February 1835. Sir,—I have the honour to acquaint you that copies of the enclosed list of persons who voted at the late election for the borough of Clonmel, were posted on the chapel gate and through several parts of this town on Sunday last. You will perceive that the names of the Roman Catholics who voted for Mr. Bagwell, the unsuccessful candidate, are encompassed in a black column, evidently for the purpose of holding them up invidiously to the public."—Here is a copy of it; I took down one of them myself.

[*The Witness produced the same.*]

5517. Do you consider that that classification of the voters, with a black margin round the names of those Roman Catholics who voted against the popular candidate, was in order to hold them up invidiously to the public?—I do; I could not draw any other conclusion from it.

5518. By the term "invidiously," do you mean that exclusive dealing was to be exercised against them, or that some other vindictive measure would be pursued against them?—I look upon it principally to prevent people dealing with them.

5519. Was such a list calculated to intimidate electors from exercising their franchise openly and freely?—I think that many men whose names are upon that black column would not vote in the same way at the next election.

5520. Are not you positive that such a mode of proceeding is calculated to intimidate, and would intimidate voters upon any future election?—Certainly.

5521. Do you know any thing of a miller of a Mr. ———, who was afraid to vote for Mr. Bagwell, but was determined not to vote against him?—Yes; I heard that there was a miller of Mr. ———. Mr. ——— said, "I do not want you to vote for Mr. Bagwell, but I only request you will not vote against him." The man said he would do what his master wished. Young Mr. ——— went out to Mr. ———'s mill at 10 o'clock at night; Mr. ———, a friar, came to the mill door and rapped at it; Mr. ——— opened it, when Mr. ——— caught Mr. ——— by the collar, and some altercation ensued between them; he wished to get the miller out; the miller did not leave the mill that night. The next morning the man went home to his breakfast, and I saw the Roman Catholic clergyman, and a great number of people, at the house opposite where I was breakfasting, and I was informed that it was Mr. ——— and the people wanting to get the miller to vote for Mr. Ronayne; and the miller did go and poll for Mr. Ronayne.

5522. Then that was a direct act of interference on the part of the priest?—Yes.

5523. Did you make a report to Government upon that occasion?—I did.

5524. Are you convinced in your own mind that that act of the priest in going at the head of a party of men to compel this man to vote for Mr. Ronayne had the effect of influencing him to vote for Mr. Ronayne?—I have not any doubt of it.

5525. You appear to have made the following report, dated Tipperary, the 5th of February 1835, addressed to Major Miller: "Although there can be no doubt of the means used by the priests to make the Roman Catholics vote as they please, still it is very hard to get one of their flock to make affidavit as to the fact. In Clonmel I saw them, at the head of a large mob, go to several houses of persons

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who had either promised to vote for Mr. Bagwell or not vote at all, which promises were broken after the priestly visit, evidently through undue influence and intimidation. In one instance a miller of Mr. ———'s was afraid to vote for Mr. Bagwell, but was determined not to do so against him. He remained in the mill, and young ——— went to Ruthronan to protect him. About ten o'clock at night a rap was given to the mill door, which ——— opened, when he was immediately collared by a priest named ———. Mr. ——— presented a pistol at him, and made him let go. The priest demanded the voter, who was refused; he then made use of such language as he thought would induce the miller to leave the mill. He, however, remained steadfast; but next morning, when at breakfast in his own house, the priests got hold of him, and brought him to the poll. After giving his vote, Ronayne offered to shake hands with him, which the man declined, knowing that the vote he had given would be the cause of his losing his employment, Mr. ——— having told him that he did not want him to vote for Mr. Bagwell, but if he voted for Mr. Ronayne he would dismiss him.—A similar instance occurred with a man in Mr. ———'s employment. The same priest and Mr. Lysaght Pennefather, during the absence of Mr. ———, the seed merchant (a Protestant), searched his house for a man of his who had a vote, and who they thought was hiding himself.—Mr. ———, a Roman Catholic ——, was canvassed by three priests to vote for Ronayne. The next day, after polling for Bagwell, he was obliged to go the back way from the court-house to Mr. Duckett's, and remained there to dinner, being afraid to go home, and he certainly appeared very apprehensive. The priests addressed their several congregations at the chapels in a most violent manner against Bagwell, and in favour of Ronayne. I have heard it stated that one of them said he would turn any of his flock into a serpent who voted for the former. The night before the election the amateur band of the town was playing through the streets with a priest at the head of it, to which I put a stop. Several applications were made to me to send protection to the houses of persons who voted for Mr. Bagwell, which I did in three or four instances. It was not alone the priests of the town who interfered in the election, but several, indeed I believe all, from the adjacent parishes in the county were aiding and assisting. Mr. ———, of Fethard, was one of the most active amongst them. They were constantly in the court-house, and always two or three in the polling booth. The above are facts which came officially within my own knowledge, and I have little doubt that more minute details of intimidation could be procured from Mr. Bagwell's conducting agent. I have no hesitation in saying, that, were it not for the presence of a military and police force, no person could have proceeded to the court-house the two last days of the election to vote for Mr. Bagwell.—Cashel election was also carried by priestly influence. Mr. Pennefather's tenants on the commons, whose votes would turn the scale, promised to vote for him. They were afterwards canvassed by the parish priest, who harangued them in favour of Perrin, and influenced them to break their pledges to their landlord, by which Mr. Perrin was returned." Signed, "John Willcocks." Those are statements which, from reports made officially to you, you believe to be accurate and true?—I have no doubt of their having addressed themselves to the people in the chapel, for I heard it from Major ———, whose servant maid had been at chapel, and told it to him. With respect to the serpent, it was a mere story going through the town; I cannot vouch for it.

5526. You are not a Roman Catholic?—No.

5527. Therefore you do not yourself frequent the chapel?—No.

5528. Consequently the reports made to the magistrates and the police of what occurs in chapels are mostly made by persons who themselves have heard it, or who obtain it by information of persons that do frequent the chapels?—Certainly.

5529. Have you any doubt that such an interference does take place?—I have no doubt that the priest spoke from the altar, but I should doubt their saying that they would turn a person into a serpent: I doubt whether a clergyman would make use of such language as that; but I have no doubt that they make speeches from the altar in favour of the popular candidate.

5530. The Committee have before them a report dated January the 4th, made by Major Miller, and sent by him to the Government, to this effect: "At the first mass at the chapel this morning at this town, the Rev. Mr. O'Connell, the parish priest, commenced his sermon by abusing the Cork Constitution newspaper, and the meeting held the other day in Cork; the former, he said, was a mere rag. He then said, 'I should like to see any man, freeholder, farmer, or shopkeeper,

who

who would dare to vote for a tyrannical Tory miscreant, particularly after the slaughter that took place the other day at Gortroe.' Upon this Lieutenant Browne, who was in the chapel with the Roman Catholic men of the detachment of the 29th regiment, quartered in this town, marched the men out of the chapel. He also said, 'If they raise the banner of Waterloo, we will raise the banner of Gortroe. The military may go away, and their officers too, for what I care.'" Having heard that official report of the interference of a priest in his spiritual capacity in the chapel, which was so strong that the officer commanding the troops felt it to be his duty to march his men out of the chapel, have you any doubt, under the circumstances stated, of the accuracy of such a report?—I have no doubt of it, because it is notorious that they do interfere in that way.

5531. Do you believe it from your knowledge of the character of Major Miller, or from your knowledge of similar facts?— Both.

5532. Have any facts of an analogous character ever come before you in your official character of the interference of the priests in the chapels?—Yes, I have heard of it.

5533. Can you state any cases?—I can state the case of Mr. ———, when he spoke of the fox hunters in his chapel, he said he saw no difference between the head of a fox and the head of a fox-hunter, in consequence of which the gentlemen of the hunt were pelted, they were not allowed to go through the country; many of them went out armed.

5534. Was this during the election?—It was after the election, and Mr. Fitzgerald took the informations at his house.

5535. Those were sworn depositions?—They were sworn depositions before Mr. Fitzgerald. I have the fact of the gentlemen of the hunt being pelted, and I heard them all say it was in consequence of what Mr. ——— said at the chapel, and that there were six or eight couple of Mr. Barton's best hounds poisoned after it.

5536. Have you any doubt of that fact?—No, I have not.

5537. When did this occur?—I think about two years since.

5538. Had this any thing to do with the election?—I think it had, as well as I recollect.

[*Here a Member (Mr. Shiel) remarked, there was no contest: Witness stated there was no contest when the voters from Lower Ormond were attacked, and the police obliged to fire in their defence at Templemore.*]

5539. From what you have stated of the interference of the priests, do you conceive there is any doubt of their interference in their spiritual capacity on certain occasions?—I cannot say whether they do it spiritually or temporally, but they address the people in such a way as to influence them to vote as they please.

5540. Such influence being used during the divine service, and within the walls of the chapel, is it your opinion that such language is calculated to have a more than ordinary effect upon the minds of the Catholic frequenters of those chapels?—I think it has, for I think the lower order of Catholics pay more attention to what the priest would say from the altar than to what he would say in the streets.

5541. Do you conceive that Mr. Pennefather's tenants were turned by a speech made by the priest?—Mr. Pennefather told me that the people had promised to vote for him a few days before the election; and then he told me that Mr. ——— had been out upon the commons with Mr. Perrin, and that then they said they would all vote for Mr. Perrin, the popular candidate; when I say all, there were probably a few that would have voted otherwise.

5542. From your knowledge of Mr. Pennefather, have you any doubt of the veracity of his statement?—Not the slightest doubt.

5543. Do you know any thing of a Protestant whose house was searched for a voter during his absence?—There was the house of Mr. ——— searched during his absence; Mr. ——— came to me and complained of it.

5544. What was the object of searching the house?—To see if the voter was in it; a man that either had left his own house, or taken refuge there, or a person that was in the employment of Mr. ———; they went through the house.

5545. They stated that the voter had gone into Mr. ———'s house?—Yes, that was the cause of their going into the house, and they went up stairs in spite of the females in the house.

5546. Was there any reason to believe that the voter was detained in the house

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against his will?—I do not know whether they had any reason to believe it, I only know the fact of their having gone through the house.

5547. Have you any reason to believe that he was kept there against his will?—I have reason to believe that he was not, for they did not find the man; he was not there.

5548. Did the priests interfere in the chapels in asking for contributions to carry on the election, or in any way?—I did not hear of it.

5549. Did the Conservative club make contributions for elections in any parts of Ireland?—I heard that they did in Dublin, by the public papers.

5550. Do the Conservative associations make contributions for electioneering purposes in the churches?—Never in any church where I have been.

5551. Did you ever hear of contributions being made for Mr. O'Connell in the chapel?—Yes, I have seen them collecting at the chapel gate on the tribute Sunday.

5552. Have you ever known any Protestant clergyman from the pulpit, or in any church, desire the people to vote for Mr. Bagwell and against Mr. Ronayne?—No, I never did.

5553. If any political language was made use of, it would most probably be a sermon in defence of his own religion, but not recommending one individual against another?—It might be, but I never heard any clergyman touch upon politics in the church.

5554. Did you ever hear of any clergyman using his religious influence in attempting to prevail upon a man to vote?—Never.

5555. Did you never hear the word "appropriation" mentioned in a sermon?—Never.

5556. Or "spoliation?"—No.

5557. Or "church in danger?"—No, because it is not upon those subjects that they preach.

5558. Nor do you believe that such a thing as a political sermon has been preached in a church?—I never heard any thing like it, nor do I believe that the clergymen do it; I never heard any one say that they heard any thing like it.

5559. What church do you frequent?—The church of Tipperary, and for a long time I attended the church of Cashel; I was stationed in Cashel for 12 years.

5560. Have you any doubt of the influence exercised by priests over their flocks on political matters connected with elections?—None at all; they do it publicly.

5561. It was stated in one of your reports that they went into the houses and used a crucifix, have you any doubt, as a matter of opinion and belief of your own, that that fact is correct?—I think they would do so to carry their point.

5562. With regard to any injury sustained by individuals from having voted during the election, can you state any cases of people being knocked down or hurt in property or their person?—Mr. ———, of ———, was knocked down in the town of Clonmel.

5563. Is he a gentleman in the country?—A gentleman of four thousand a year; a most respectable gentleman in the county of Waterford. Patrick Noonan was tried at the last sessions, and sentenced to six months' imprisonment for assaulting Mr. Pritchard, a dancing master, who voted for Mr. Bagwell.

5564. Have you any doubt that many assaults took place in consequence of the election?—Not the slightest; there were many applications made to me to send some of my police to the houses of voters for the night, to protect them after their having voted for Mr. Bagwell.

5565. Do you think that the publication of the list, with a black mark round it, is calculated to have such an effect upon future elections, that many Roman Catholics who voted for Mr. Bagwell would be so far intimidated that they would probably vote for the popular candidate, whoever he may be?—I think that some of them would not vote at all. I think they would be in dread of voting for Mr. Bagwell, in consequence of the measure of publishing that list.

5566. In consequence of their names being published?—Yes; and inserted as they are by this mark pointing them out.

5567. Which do you consider the most efficacious, the influence of the landlord over his tenant, or the influence of the priest over his parishioner?—I think the priest can take the tenant from the landlord, and I think they have done it in many instances.

5568. Then the priest, in fact, exercises his influence for political purposes?—No doubt of it.

5569. Does not the landlord exercise his influence for political purposes also?—I believe such things may have occurred, but I cannot state an instance of a landlord turning a tenant out in consequence of the vote he has given. After Mr. ——— had given his vote, I heard Mr. Bagwell say, "I am glad that Mr. ——— has voted as he has done; I did not ask him for his vote. Mr. ——— has been under compliments to me; I am better pleased than if I had 100*l.* that he voted as he did."

5570. So that while this persecution is going on upon the other side, and unjust influence used to compel persons to vote contrary to their wishes, and according to the wishes of the priests, the landlords have not, according to your information, punished their tenants for having voted contrary to their wishes?—I believe that Mr. Pennefather said that he would look for the arrears of rent from the tenants upon the commons of Cashel; that as they chose to go against his interest, he would not pay them any respect, or be kind to them as he was heretofore, and Mr. Pennefather was proverbial for his kindness to the tenantry; for the eleven years I was in Cashel, I never heard any complaints against him; he was always held up as a most excellent landlord.

5571. Do you know whether subsequent to that election, Mr. Pennefather had actually ejected tenants from their holdings?—I do not believe he ejected any one, but I believe he distrained for arrears of rent.

5572. Which he would not have distrained for if those men had voted for him?—Probably not.

5573. Then you believe that Mr. Pennefather having done that which the law allows him to do, namely, to obtain his rent, has exercised the influence of a landlord according to the means which the law allows him?—Certainly.

5574. Does not the law allow the interference of the priest to canvass voters at the election?—I do not think it prevents it.

5575. Do you consider that the kindness done by a landlord to his tenant, in suspending any demand for rent, is a legitimate influence of property?—I do.

5576. Do you consider that it is a legitimate exercise of power for the priest to harangue his parishioners in the chapel, or to canvass them in their houses with a crucifix in his hand, bringing into operation the spiritual influence of religion, in order to make men act according to his wishes in a temporal matter?—My opinion is, that neither a Roman Catholic nor a Protestant clergyman ought to interfere in politics.

5577. Do you consider that that is a legitimate influence which a priest ought to exercise, by using spiritual power within his church, or by producing a crucifix to the voter, in order to influence him in voting?—I think it is not.

5578. Do you then consider that the one exercising the legitimate influence of property is justified, and that the other exercising a spiritual influence is not justified?—I do; if I have a tenant living under me, and I am kind to him, doing every thing I can for his benefit, and the benefit of his family, and I wish the honour of being Member of Parliament, and that man refuses to gratify me in that honour, I think all ties are severed between us.

5579. Supposing that man differs from you in a great political question, do you still think you are entitled to his vote?—I think it is the legitimate right of a landlord to have the vote of his tenant. I think I am better entitled to it than a stranger.

5580. Supposing any one had done you a service, and he was to come and ask you to repay that by going to vote for Mr. O'Connell, would not you think it hard?—No; if he was my landlord, if he was a kind landlord to me, as Mr. Pennefather is to his tenants, I think I ought to go in whatever way he pleased; if he himself was concerned, if I was in that situation myself, if I did not vote for him I would not vote against him.

5581. You mean, that if your political sentiments were so strong that you could not give your landlord your vote, you would neutralize your vote by not voting at all?—Certainly.

5582. Do you conceive that, as a voter, your regard for your landlord ought to be superior to your regard for the good of the country?—If there was a candidate who I thought was going not for the good of the country, I would not vote for him.

5583. Even though your landlord should require you?—Even though my landlord should require me.

5584. If you thought proper to withhold your vote from your landlord, would not you think that you would fairly forfeit any claim upon him for kindness or indulgence to you?—No doubt whatever.

5585. Or the renewal of your lease?—I should think that all ties of reciprocity and good feeling were severed between us.

5586. Then you think it was the intention of the legislature to give the franchise solely for the benefit of the landlord?—I cannot say what the intention of the legislature was; I am only saying how I would act myself.

5587. Would it not be better, upon that supposition, to give the landlord a certain number of votes, according to the number of his tenants?—No, I think it would be better to have a class of voters beyond the influence of both parties; a respectable class of persons; a man that would be independent of his landlord, and independent of the influence of his priest.

5588. Did you ever hear of a gentleman taking a bribe?—No, I do not think a gentleman would do it.

5589. Did you ever hear of a person, moving in the class of a gentleman, taking a bribe?—No, I cannot bring to my recollection that I ever did.

5590. When you say that you would wish to give the votes only to those who are independent both of the priest and the landlord, is it your opinion that the franchise ought to be taken away from a considerable number of those that now enjoy it?—I think it would be the only way to remedy intimidation upon both sides, to take away the influence of the landlord, by giving the franchise to a man that would be independent of both priest and landlord.

5591. Do not you conceive, that if the elective franchise was raised, and the lower order of voters were disqualified from voting, the elections would better represent the real feelings of the county of Tipperary than they now do?—I think it would better represent the feelings of those people that are competent to discriminate, for there are many people that have the power of voting that are not able to discriminate; they are not able to judge for themselves.

5592. Then you approve of a sufficient property qualification in all the voters?—Yes.

5593. Do you know that several freemen have no property qualification whatever?—I believe there are several freemen that have not.

5594. Then do you disapprove of allowing freemen, who are paupers, to have votes?—Freemen may, at an early period of life, be in very good circumstances, and be men that received a good education, and then be reduced and become paupers.

5595. May not freemen be without any property at all?—They may.

5596. Looking at the situation of the poorer voters in the county of Tipperary, who now have a right to vote, and who are described by you to be in this position, that on the one side they are desired by the landlord to vote according to his wishes, and on the other side they are influenced by the priest to vote according to his wishes, do you imagine, from your experience of the poorer classes of voters, that they would be rejoiced to be disqualified from voting, in order to extricate themselves from the peril in which they are now placed, between the displeasure of their landlord and the intimidation of the priest?—I believe many of them would, for I believe that many who are obliged to register, are registered by the priests contrary to their own wishes; I have heard it so stated.

5597. Do not you believe that the poorer class of men, who are in the predicament just stated, would rejoice in being extricated from such a position?—I believe many of them would.

5598. Is it not the fact that many of them now are compelled to register, or that influence is used of a nature which they cannot resist, compelling them to register their votes?—I have heard it, and I believe it.

5599. Did you ever hear of the landlords registering them?—No; but I have heard of landlords that wanted to keep them back from the register.

5600. From what portion of the constituency have you heard this fact?—From the 10*l.* householders.

5601. Has any single voter ever told you that he was sorry that he was obliged to register?—No.

5602. Then you speak from rumour?—I speak from conversations I have heard.

5603. Were you aware that you were to be examined with respect to intimidation when you received the summons to attend this Committee?—I was aware that

that I was to be examined with respect to facts that occurred in the town of Clonmel.

5604. With respect to the disinclination of the tenants to register, you speak from vague information, without having received that information from the tenants themselves?—I never made it my business to inquire.

5605. Are you aware of the number of 50*l.* voters in the county of Tipperary?—No.

5606. Are you aware of the number of 20*l.* or 10*l.* voters?—No.

5607. Have you ever taken the trouble of forming an estimate of the manner in which the several classes of voters would probably be divided at an election?—I never did, for I wished to keep myself clear of all election politics.

5608. When you say that you think the franchise ought to be raised, have you taken the trouble to ascertain how the 20*l.* voters and the 50*l.* voters voted?—I take it that the 50*l.* voters would be men that would not be under the influence of the landlord or under the influence of the priest.

5609. To what point would you raise the franchise?—I would go to 20*l.*

5610. Are you aware there are only 324 20*l.* voters in the county of Tipperary?—That is because all the freeholders are not registered.

5611. You think that the 20*l.* voters would be independent?—Yes.

5612. A person who is independent would be of all others the most likely to register?—Yes, he would.

5613. Do you believe that there are more than 324 20*l.* registered voters in the county of Tipperary?—I dare say there are not; but I saw a list at the last sessions of 300, and they are most of them 20*l.* and 50*l.*

5614. Are you aware, that out of the 300 at the last sessions, only 23 registered?—No.

5615. Are you acquainted with Dublin?—Very little.

5616. Are you aware that it was not possible to get more than five gentlemen to register in Rutland-square?—I have heard so.

5617. And, in Merrion-square, did you ever hear that it was not possible to get more than 10 to register?—Yes.

5618. Are there not motives that prevent men of consideration from doing it?—Yes, there are men in the county of Tipperary that do not wish to have the power of voting, for the purpose of keeping themselves clear.

5619. Are you aware that the circumstance of there being such a great preponderance of the 10*l.* voters, would of itself be sufficient to prevent the others from registering?—I think that acts so in Tipperary.

5620. Are you acquainted with the quality of the persons who, generally speaking, are the 10*l.* constituents in the county of Tipperary?—I am, with many of them.

5621. Do you consider that the majority of them are themselves capable of judging upon political matters?—Certainly not, the great majority.

5622. Not even upon the tithe question?—I think they can form an opinion that they wish not to pay the tithes.

5623. With regard to the repeal of the Union, do you think they have any distinct notion of what the repeal of the Union is?—They have no idea what effect it would have.

5624. Do you think they have any notion of the vote by ballot?—I do not think they understand it.

5625. Have you formed any opinion about it yourself?—It is not a measure that I would give my vote for.

5626. Do you think they do not understand that it is a mode of secreting the knowledge of how they have voted from different parties?—I think some of them do; I think the principal newsmongers of the village understand it, but not the generality of them.

5627. Do you think that the 20*l.* freeholders understand the question of the repeal of the Union?—I do not think they do; I think there are many men that do not understand what effect the repeal of the Union would have.

5628. Will you have the goodness to describe the point at which you imagine the power of understanding the repeal of the Union commences; do you think it commences with the 20*l.* freeholders or the 50*l.*?—I think the 50*l.* freeholders would understand the bearings of the case much better than the 20*l.* freeholders.

5629. Would they not understand it better for this reason, that their intelligence and their education is in proportion to their rank and station?—Yes.

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5630. And the poorer a person is, the less likely he is to understand intricate questions, although there may be persons among the 10 *l.* freeholders who are clever persons, and there may be stupid persons among the 50 *l.* freeholders?—Yes.

5631. You have stated that you think the franchise ought to be raised to 20 *l.*?—I stated that it was only by doing that that you would take away the power from the landlord.

5632. Are there any 20 *l.* freeholders depending on terminable leases under the landlords?—I dare say there are.

5633. Are there any 20 *l.* freeholders in arrear of rent?—I dare say there are, but not to the same extent as among the 10 *l.* freeholders.

5634. Would the landlord renew to those freeholders if they voted against his wishes?—I cannot say.

5635. You have already stated that you think he ought not in the case of a 10 *l.* freeholder?—No; I stated that I think if a tenant goes against his landlord, the ties of good feeling between them are severed, and that he is not bound to show him that kindness that he otherwise would have done.

5636. Whether he be a 20 *l.* or a 50 *l.*?—I look upon a 50 *l.* freeholder to be independent of his landlord; I think if a man has an interest of 50 *l.* a year, he will maintain that interest, and pay his rent.

5637. You think that if a 50 *l.* voter votes against his landlord, the ties between them would be severed?—I think they would.

5638. If the 50 *l.* freeholder has been under obligation to his landlord, would not the same thing apply?—Yes.

5639. Suppose his lease was near expiring, would not he be under the influence of his landlord?—To be sure.

5640. Therefore the raising the franchise could not do away the influence of the landlord at the expiration of leases?—Not as to the expiration of leases; but there are many freeholders that have leases renewable for ever.

5641. Are there not many that have not?—To be sure there are.

5642. You have stated that there are many freemen who have no property whatever?—I say, that such cases may be.

5643. Do you think those men are independent of their employers or landlords?—No.

5644. Should they be disfranchised?—I do not know whether they should or should not, but I think the higher the franchise is, the more independent the election.

5645. Must not those freemen who have no property at all be more dependent than the 10 *l.* voters?—No; I do not know that, because the candidate will have no way of affecting the freemen if the man has no property.

5646. Must not that freeman live in a house?—No, he may lodge in a room.

5647. Is not he open to bribery?—Of course; every man who has a vote is open to bribery.

5648. Must he not be in the employment of somebody?—He may or he may not; he may be working at his own trade on his own account.

5649. You mentioned the case of Mr. ———; did you hear that Mr. ——— had promised Mr. Ronayne to vote for him; I heard it afterwards from Mr. ——, the ———.

5650. And that he did not vote for Mr. Ronayne in consequence of his apprehension of the consequences from his landlord?—No; I had a conversation with Mr. ——— about it, and he told me that Mr. ——— had promised to vote for Mr. Ronayne; Mr. ——— also said that it was in consequence of his having broken that pledge that he held him up as he did.

5651. Did you not state that Mr. Bagwell thanked Mr. ——— for the vote he had given, because he had not, even out of delicacy, pressed him to give his vote?—I heard Mr. Bagwell say so.

5652. Was not Mr. ——— employed in a legal capacity for Mr. Bagwell?—I do not know whether he ever did business for him or not.

5653. Are you aware that Mr. ——— admitted that he deviated from his promise to Mr. Ronayne, in consequence of his being afraid that he would not get a renewal of his lease?—No, I am not; I sat with Mr. ——— all that evening, and he never said a word about it.

5654. Did you hear it from Mr. ———?—I heard Mr. ——— say that Mr.

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——— had promised to vote for Mr. Ronayne, but he never assigned any reason for not doing so.

5655. And Mr. Bagwell stated that he had not asked Mr. ——— for his vote? —Yes.

5656. Now with respect to the military were you in the court-house when the military were called in to clear the court-house?—I was; I did it.

5657. You are a police magistrate, and you had a body of police in the court-house?—Not in the polling booth.

5658. You cleared the court-house by the use of the military?—I did.

5659. What body of police had you in Clonmel at the time?—I suppose 40 probably, but they were at the upper end of the town; they were at the West-gate.

5660. Were there not police in the court-house?—Not sufficient to have cleared it.

5661. What number of police had you in the court-house?—Ten or fifteen men.

5662. Was there any assault committed in the court-house before the military were called in?—There was no assault, there was great uproar. In Mr. Bagwell's box there were a parcel of men with bludgeons, and they were making a noise, and I called in the military; they were the first that I cleared out of the court-house, and whilst this was doing, there was a piece of mortar struck close by me in the box where Mr. Bagwell's bludgeon-men were.

5663. Are you positive that you had not more policemen in the court-house? —I do not think there were; the military were not allowed to be away from under the eye of a magistrate, and I knew that the police could act as constables, and I had a body of them at the West-gate.

5664. Did you call the military in from the street into the court-house?—I did.

5665. What body of military did you bring in?—A sergeant and 12 men. I took them through the grand jury room to each gallery.

5666. There was but one court-house open, and you had 15 men in the court-house?—Yes.

5667. And there was no blow struck in the court-house?—No.

5668. Do you mean to say that 15 policemen could not have cleared that court-house?—I believe not, and I believe Mr. Ronayne himself was one of the persons that called upon me to clear the gallery.

5669. Was that with the aid of the military?—He left that to my own discretion.

5670. Did the military come in with their bayonets and muskets?—They always carry their muskets on duty.

5671. So that having 15 policemen with you, you thought proper to call in the military with bayonets?—I thought it was the most certain way of doing the thing quietly without causing any bloodshed. I know that the people are more disposed to obey the military than they are the police, for it is well known what a hooting there would be at the police, and I acted according to the best of my judgment and discretion in so doing.

5672. Were you present when a body of cavalry dispersed the people assembled round a bonfire after the election?—I was.

5673. Was any outrage committed by those people at the time when the cavalry dispersed them?—Mr. Bagwell came down to me and told me that the windows of his committee room had been broken—that there were a great number of bonfires in the town, and requested that the military might be called out to patrol the streets. I went down to the barracks and got out the military as fast as I could, and I believe there were 15 or 16 bonfires through the streets, and there was great shouting. I was going quietly through the street; I spoke to the people collected round the first bonfire, I said, "Put out this bonfire, I am going up through the town, and if you do not, I shall feel it my duty to have it put out." I went up through the street and gave the same warning to each body of people round the fires, and then, as they did not put them out, I commenced at West-gate and scattered the bonfires as I came down with the infantry, by merely putting in their bayonets and scattering the fire.

5674. Did you read the Riot Act?—No.

5675. Was there a blow struck?—No.

5676. Was not it very natural that the men should light bonfires in the streets immediately after the election?—No; if they had illuminated the windows I had

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no power to interfere, but I think a magistrate has a right to interfere when there are bonfires in the streets and a nuisance of that kind.

5677. How many policemen had you in the town when you thought it judicious to resort to military force?—I had 40 I dare say.

5678. You did this at the instance of the defeated candidate?—He and two or three other gentlemen called and said that the windows would be broken and that bonfires were in the streets, and requested that I would go out.

5679. Did you ascertain whether windows had been broken?—Not previous to that.

5680. You mentioned that there were persons with bludgeons in Mr. Bagwell's gallery; did you bring the soldiers into that gallery, or into Mr. Ronayne's gallery for the purpose of dispersing the people?—I brought the soldiers into Mr. Bagwell's gallery first.

5681. Do you consider that eight or ten bonfires, when the people are in a state of great excitement, are safe to be allowed to remain in the public streets?—I think they are not.

5682. Do you think that the respectable inhabitants were satisfied at seeing eight or ten bonfires in the streets?—I am satisfied that they were not.

5683. You consider, therefore, that in calling upon the military to put out those bonfires, you were preserving the peace of the town?—Certainly; my idea is, that prevention is better than the cure of crime, and I always like to have a sufficient force that would prevent any breach of the peace, rather than have a weak force that might tempt the people to throw stones.

5684. Are not you aware that soldiers called out for the suppression of a tumult invariably have their bayonets fixed?—They always have.

5685. You have stated that, in your opinion, the police are not such favourites with the mob as the military are?—I think that when the military are called in, there is less likelihood of collision than with the police.

5686. If you were to hear a report read to you, upon the subject of the preference given by a priest to the military over the police, should you consider such a report entitled to confidence; for instance: "Mr. ———, Roman Catholic curate of ———, county of ———, in the presence of some of the 60th regiment, told his congregation that the police were a bad set of men; that the soldiers were not like them, and would not take pleasure in shooting the people, as the peelers did; and that he rejoiced to find that the soldiers were of their (the people's) own persuasion. This language having been communicated to Dr. ——, the Roman Catholic bishop, he immediately sent for Mr. ———, and after reprimanding him, deprived him of his curacy. In a letter to Sir William Gossett, stating the course he had taken, Dr. ——— said, I beg you will express my most grateful acknowledgments to his Excellency for the kindness evinced in subjecting to my notice the conduct of one of my clergy, which merited such severe animadversion. In reply, the Lord Lieutenant's best acknowledgments and thanks were offered to Dr. ——— for his prompt attention to the representation made to him." Now such a report of such facts being stated, have you any doubt of them?—Not the slightest.

5687. It appears that, according to your view, upon which you acted upon the Clonmel election, you brought in the military, conceiving that they would not be so hostile to the feelings of the people as the police?—Precisely, and that they would be less likely to have a collision.

5688. Do you conceive that impression to be pretty general throughout the other districts in Ireland?—I conceive it is.

5689. That is to say, that the police are viewed by the people with more dissatisfaction than the military in putting down a riot?—I believe they are.

5690. Did you hear that Mr. Bagwell's people had any voters locked up against their will?—No, I did not.

5691. Did any of Mr. Bagwell's friends assault the people?—Not to my knowledge; there was no complaint of the kind made to me.

5692. Do you know Mr. ———?—I do.

5693. Was he a friend of Mr. Bagwell's upon that occasion?—He was.

5694. Did you see a man bleeding in the head from a blow by Mr. ———?—I think I did see a man bleeding from the cut of a stone that Mr. ——— gave him, and I asked him whether he wished to lodge informations to that effect; the man declined.

5695. Have you heard of any exclusive dealing on the part of Mr. Bagwell's friends

friends with shopkeepers in the town?—I have heard that there was a butcher of the name of ——— who voted for Mr. Ronayne, and I believe the stalls were all let out by Mr. Bagwell there, and I heard that several people in the town of Clonmel set up another butcher, and that they buy from him.

5696. When you say that the people of the town of Clonmel set him up, do you mean those that voted for Mr. Bagwell?—Those that were inclined for Mr. Bagwell's interest.

5697. Was there any money going at the election?—Very little, I believe.

5698. Do you know ———, who keeps a school in Clonmel?—I know who he is.

5699. Has he taken the custom of his school away from the Catholic butcher, in order to give to that man?—I do not know.

The Rev. *Malachi Duggin*, called in; and Examined.

5700. YOU are a parish priest?—I am.

5701. In what place?—In Moyarta and Kilbally Owen, in the county of Clare.

5702. How long have you been a parish priest?—Twenty-one years and a half.

5703. What is the extent of your parish?—About 16 miles English.

5704. Have you had an opportunity of knowing whether any persecution has been practised by landlords in the county of Clare, in consequence of the tenants voting against their wishes at the elections?—I have this year known an instance of persecution.

5705. Did you attend the election of Mr. O'Connell in the year 1828?—I did.

5706. Was a great effort made by the popular party to carry that election?—The greatest possible.

5707. And on the other hand, the strongest possible efforts were made by the gentry and the aristocracy to secure the election of Lord Fitzgerald?—The greatest possible.

5708. So that there was a fierce collision between the people and the gentry?—The efforts on both sides were almost carried to extremes.

5709. Did the Roman Catholic clergy use very strong efforts to effect the election of Mr. O'Connell?—They did, because Catholic emancipation was then in view.

5710. Did you yourself take a part in those exertions?—I did.

5711. Upon the other hand, were great exertions made by the gentry?—The greatest possible; there was intense anxiety on both sides.

5712. Were you present yourself at the election?—I was.

5713. Did you see the landlords attending the booths at the election?—I did.

5714. Were the booths, on the other hand, also attended by the priests?—In general they were.

5715. So that the landlords and the priests were the two leading parties?—They were.

5716. Did the landlords use any menaces at the booths themselves against the tenants?—I cannot give instances, because I was not present at the booths. I attended the tally-rooms, and the people I brought with me to the election to keep them to order.

5717. Are you aware of threats having been used by the landlords during the election?—I have heard of it.

5718. Do you believe it?—I did believe it, and I believe that they did every thing in their power to punish the people afterwards. I have known it, but not of my own knowledge, as I live in a district in which there is no gentry.

5719. Did the landlords bring their tenants for the purpose of voting for Mr. Fitzgerald?—They did, and the tenants turned against their landlords, after they had mingled with the general crowd.

5720. Did you hear, and do you believe, that at the election very strong menaces were used by the landlords?—I did, several times.

5721. By almost all the landlords in the county?—By almost all the landlords in the county, and all the middle men; both parties were present at the election.

5722. What was the nature of the threats used?—That they would, upon a future day, be revenged of the tenantry for their conduct on that occasion.

5723. That they would drive them, and eject them?—That they would drive them, and exact their rent with rigour, and eject them.

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5724. After the election took place, did the excitement continue?—The excitement continued for some time.

5725. Did the landlords proceed to carry their threats into effect?—They did, but it was difficult for the landlords to carry their threats into execution; the threat was general, and there was no possibility of turning out nearly the whole tenantry of the county. I was myself present on one occasion, where leases given in war time were demanded from the tenants. In those leases there was a high rent specified; the rent was abated to half, and the agent demanded, in the name of the landlord, to give up the old leases. The tenants said they did not see why they should give up their leases, though in themselves useless to them, and the agent pressed the giving it up; as they conceived them to be useless, they suspected the agent was actuated by some motive hostile to them in demanding the leases, and they said they would choose the alternative of paying the sum specified in the lease rather than give up the lease; and so they paid double the rent that they had paid before.

5726. Was this in consequence of the election?—The agent did not make use of any language that would make me believe it was in consequence of the election, but the general feeling of the people was, that it was in consequence of the election, to deprive them of the power of having a vote in future, and that they should depend upon the will of the landlord.

5727. Have you any doubt that this proceeding was adopted in consequence of those men voting against the wishes of the landlord?—From that one fact I could not take upon myself to say; but when I heard that the demanding of the leases became general, and that that was the measure adopted by the landlords to deprive the tenants of the power of voting, I believed then it was in consequence of the opposition they showed in the year 1828 to the landlords.

5728. Was a system of extensive persecution carried on by the landlords in the county of Clare against the tenants after the election?—There was, but not by all the landlords.

5729. Was it general?—It was general, but there were exceptions. There are some of the landlords that are kind and benevolent, and they left the people to act as they pleased; but generally speaking, there was a spirit in the county that had for its object the turning out of all the tenants that voted against Lord Fitzgerald.

5730. Was there an extensive system of ejectment and of distraining carried on after the election?—That I cannot, of my own knowledge, declare, but I believe there was a general spirit of hostility, and so general that the landlords could not enter upon a general extermination.

5731. Do you believe that many persons at that election voted against Mr. O'Connell for fear of the consequences from their landlords?—I know that they did.

5732. Have you known, since that election, at subsequent elections, menaces used by landlords to compel their tenants to vote according to their wishes?—I have.

5733. Have you known of persecution being exercised by landlords after subsequent elections, in consequence of the tenants voting against their wishes?—I have.

5734. Does that system of persecution continue to this very day?—It is not acted upon with the same virulence that it was then, but there is, I am sorry to say, a spirit of great hostility reigning between the landlords and the tenants; it is on the increase for the last two years.

5735. Do you attribute this to the collision between the tenants and the landlords arising from elections?—I do not think it entirely arises from that. The election of Clare in 1828 may have given an impetus to the public feelings, it may have instructed the people in their own moral strength; but before the election of 1828 there were a great number of ejectments, and the rents were exacted with a great deal of rigour.

5736. Do you believe that the efforts made by the landlords to control the tenants in the exercise of the elective franchise have tended to produce disorganization and immorality in the county of Clare?—I believe they tended in a great measure to convulse it in 1831; it was as peaceable a county as any in Ireland from time immemorial until that year; and what I stated before, of the intention manifested by the landlords of taking away the leases and turning out the tenants,

increased

increased the spirit of hostility on the part of the tenants, and brought them to that state of convulsion with which the Committee must be already acquainted.

5737. And this you attribute to the domination attempted to be exercised by the landlords over the tenants?—I attribute it to that domination which they exercised over the tenants in not leaving them to act according to the impulse of their own judgments.

5738. You took a very strong part in the election of 1828; have you taken so strong a part in elections since?—No; I went often since to the elections unaccompanied, and voted according as I pleased. In 1830 or 1831, there was a strong feeling evinced to return popular Members for the county; at that period I voted for Mr. Lucius O'Brien, one of the highest and most respectable of the aristocracy of the county; my reason for doing so was, to try to bring about a reconciliation, and to show the landed proprietors that we had no interest but the good of the community in acting as we did in 1828, and that we did not want exclusive rights or a Catholic domination, but equal rights.

5739. You voted against the popular feeling?—I did; and when I came home, though the parishes I hold are the place of my nativity, my friends told me that one of the chapels would be closed against me on the following Sunday for voting as I did; I avoided going there for some time till the feeling subsided; at the expiration of a month I went to this chapel, I spoke on the subject to the people, and gave them the same reasons that I have stated now to the Committee, that I did it for their good, to bring about reconciliation; that we did not want any thing like a division between ourselves and the landlords, nor did we want exclusive rights, but merely equal rights, and as we had gained Catholic emancipation, that would be the beginning of future good.

5740. So that it appears that instead of your controlling the people, the people attempted to control you?—I am sure that if in the year 1828 I had gone against the popular feeling, I should have lost, perhaps, my parishes, as a priest did in that county, who went against the popular feeling.

5741. You conceive that when a priest goes with the people, he may add to the excitement, but that he finds it difficult to counteract the popular emotion?—As far as I know, the part they take is the direction of the people, as a hand directs an engine.

5742. Do you conceive that the Catholic clergy of Ireland are induced to interfere in respect to elections in a great measure by their anxiety to put an end to the evils incidental to the tithe system?—From the standard of my own feelings I must of course judge of others; the part I took myself in 1828, and the less ostensible part I have taken since, has proceeded from what I have stated to the Committee: I saw that there was a bad order of things; that crime and murder, and various other species of immorality proceeded from the unsettled state of the country, and when I saw that nothing would bring about a change but good government, I did, to the best of my judgment, exert myself, and directed all my efforts to this one object, to gain for the people good government and good laws, that would put an end to this state of things; I saw one year, starvation; I saw another year, popular convulsion, and landlords and tenants at variance; I saw, another year, the tithe-holders and the people arrayed against each other; some of the magistrates and the people divided; no order, no harmony existing, as I see, in this fine country; those were the motives that induced me to step forward, and to co-operate with the people, to endeavour to bring about a better state of things.

5743. Do you conceive that an essential alteration in the tithe system is indispensable for the peace of Ireland?—I am certain, although in my district there has been no convulsion from time immemorial, that until the tithe system is settled upon some footing, that there will never be real peace and tranquillity in that land.

5744. Is your motive for interfering in elections, and do you believe it to be the motive of the rest of the Catholic clergy to put an end to the evils that accompany the tithe system?—Undoubtedly; we consider the tithe system of Ireland as one of the causes of grievance, not the sole cause of grievance.

5745. And you interposed for the purpose of putting an end to those evils?—Yes, and I did take a part with regard to tithes in the year 1825; I advised the people to call for a vestry to settle the tithes under the Composition Act, because before that period there was so great an anomaly in the valuation, and so much harassing of the people in the collection of them, that I felt myself bound to assist

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to settle it under the Composition Act, and this produced a great deal of satisfaction from 1825 down to the last two years.

5746. If the tithe system was satisfactorily settled, and in a manner adapted to the real condition of the country, having in view the relation in which the vast majority of the people stand to the Government, do not you think the Roman Catholic clergy would diminish their exertions, in order to effect the return of Members to Parliament of particular opinions?—It is my opinion that if the tithe question was settled, and employment, or some other measure adopted by the State for the pacification of the country, and for the improvement of it in general, the Catholic priesthood would be thrown into the shade, their influence would cease, and they would retire within the sanctuary.

5747. Do not you believe that the motive of the Roman Catholic clergy for interfering in elections arises from a conviction upon their part that the tithe system leads to bloodshed, and to atrocities of various sorts, and that it is their duty to interpose, as good citizens and as christians, to put an end to what is a source of so much calamity?—Certainly, they have melancholy facts before them, and so have we all, of the outrages that have been committed in consequence of the tithe system.

5748. Do you believe that the Roman Catholic clergy interfere for the purpose of obtaining for their body political ascendancy, or that they interfere in order to put a termination to a system which is so hostile to humanity, and to the interests of all religion?—No, they demand nothing from the State; they wish for nothing for themselves; the Catholic people of Ireland do not wish that they should get any stipend from the Crown; we are very well off; but when they have acted, they did it to promote the good, and in unison with the feelings of the people.

5749. Do not you believe that the Roman Catholic clergy use exertions at elections, from a conviction upon their part that it is their duty as citizens to put an end to a system which produces convulsion through the country, which has been the cause of the shedding of so much blood, and to which so many of the calamities of the country are to be ascribed?—Decidedly

5750. You say that you were a party to the tithe compositions which were made in 1825, in inducing the parishioners to come to terms with their Protestant clergymen; those compositions were made under the Act of Parliament; subsequently to those compositions Catholic emancipation has been passed, and subsequent to that, under Mr. Stanley's Bill, other compositions for tithe have been made, and the composition for tithe has become general throughout Ireland?—So I understand; but our composition was made in 1825, and holds still.

5751. During the time that Catholic emancipation was in agitation, and when it was passing, the Roman Catholic bishops as well as others of the Roman Catholic persuasion, always asserted that it was their object to obtain equal civil rights, but not in any manner to infringe or disturb the ecclesiastical rights of tithe belonging to the Established Church?—I have heard of no such stipulation; the statement I made was, that I, for my own part, and all the clergy of the county in which I live, had no other motive in taking a part in elections than that of endeavouring to restore a better order of things, and not to obtain exclusive rights or domination.

5752. When Catholic emancipation was about to be granted, was it not universal among the Catholic bishops, as well as on the part of the Catholic clergy, that they asserted, that if Catholic emancipation was granted, by which the Catholics of Ireland were to obtain civil rights, they would never be a party to disturb the system of tithes belonging to the Established Church?—I have seen that in public print, and within the last year stated by a gentleman in this city; but every person conversant with the state of Ireland was convinced that Catholic emancipation would never cure the evils of the country, but that it would be a foundation stone upon which to raise a superstructure.

5753. Were not those promises made by the Roman Catholic hierarchy, that if civil rights were granted they would not disturb the Protestant ecclesiastical rights of tithe?—I do not know what the promises made by the Roman Catholic hierarchy may have been, but at the time of the election in 1828, the sole object in view then was Catholic emancipation.

5754. Are not you aware, that at the time that Catholic emancipation was about to be obtained, such was the promise made by the Roman Catholics in general, that if their civil rights were granted by the Legislature, they would never be a party to disturb the ecclesiastical rights belonging to the Established Protestant Church?

Church?—And I am certain that they never have been a party to it. The Catholic hierarchy or clergy have neither been a party to disturb the Established Church.

5755. The question refers to the fact of such a promise being made?—I am not certain what might be the promises of the great body of the people at the time, but I know that the general feeling was, that if Catholic emancipation was granted, it would be the foundation-stone of future improvement, but it would not cure all the evils of the country.

5756. When they were asking to be admitted to equal civil rights, did not they state that they would not disturb the Protestant established rights in the shape of tithe?—I cannot answer that question, because I am not acquainted with any stipulation made at that time; but I saw some publication made by a gentleman of this city within this last year, that the Catholic hierarchy made such a statement, but I am not conscious that the Roman Catholic hierarchy made it.

5757. A composition for tithe having been settled according to law, do you, after Catholic emancipation has been carried, consider it your duty, as a priest, to endeavour to get rid of that composition for tithe altogether?—I would not wish that a person was rid of his vested right during his life; but from the spirit of hostility there is against the system at large, in all parts of Ireland, I would wish that it was placed on some footing that would prevent the tithe-holders from coming into collision with the people.

5758. Now that the composition has become the law of the land, and that the distraining upon the occupying tenants is no longer allowed, should you still consider it your duty, as a Catholic clergyman, to stimulate your parishioners to act against the law, and to do away with the composition for tithe?—If there is no distraining for tithes I would not interfere, but there are six distrainings in every year in my district for tithes.

5759. But you are aware that, under Mr. Stanley's Act, that distraining can no longer take place?—Our composition was settled in 1825, and is quite different, and there are six distrainings for tithes each year.

5760. You have said that you would think it your duty to assist the people in forming a better organization; what description of organization do you allude to?—Good laws.

5761. What do you mean by organization?—Organization may be either for a good or a bad purpose. I said a better organized state of things.

5762. Do you mean a political association of the people to secure good laws?—Yes.

5763. Then you consider the people as a machine, and you consider yourself justified, as a priest, in directing the machine, so as to have a better organization, for the purpose of carrying any political objects which you may think calculated for the benefit of the people?—I do not consider myself justified as a priest, but as a civilian, to direct the people for the obtaining a better order of things, to remove the causes of grievances and of crime.

5764. Then, in effecting any object contrary to law, you consider yourself perfectly justified to be the judge upon the occasion, whether the new state of things which you wish to bring about is an amendment or not?—No, I do not constitute myself a judge in any thing contrary to law, but I assist the people in sending those persons to Parliament who are to be the legislators in framing such laws for the country as will be salutary for it.

5765. If you had a very strong bias in favour of the popular candidate, should you consider yourself justified, as a priest within the chapel, in exhorting the congregation to vote for the popular candidate against the opposing candidate?—I do not think I would be justified in doing so, except upon extraordinary occasions, such as the election of 1828.

5766. Have you ever done it?—I have.

5767. Repeatedly?—I did, at that time, and on another occasion.

5768. During divine service?—Not during divine service.

5769. Within the walls of the chapel, after the congregation had been assembled for divine service?—After divine service was over, and the people were ready to disperse for their homes.

5770. Then the Committee are to understand, that after divine service, when the minds of the people, by your excellent exhortations, were in a state to receive any thing that came from you, in your spiritual capacity as priest, with great effect, the people being still assembled as a congregation, you considered it your duty to address them in favour of the popular candidate against the Conservative candidate?

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didate?—At the present moment I would not consider myself justified; but when the question of emancipation was to be carried into effect, every member of the Catholic body felt himself justified at that time in taking a part in it.

5771. Then, according to your opinion, it is a question of degree, whether a Roman Catholic priest shall, within his chapel, interfere or not, according to his view of existing political circumstances, inasmuch as it would appear to you to be justifiable to take those steps upon one occasion, which you do not think would be justified upon another?—I do not think I should be justified now, but when religious liberty was to be obtained, I thought I was justified; but on civil matters and political matters now I would not be inclined to follow the same course, but in great emergency.

5772. You consider yourself justified to interfere within your chapel, according to the exigency of the case?—Latterly I have not interfered much in my chapel.

5773. If any exigency were to arise, which in your opinion called for your interference, according to your own individual judgment of that exigency you would, as a parish priest, interfere?—I would, outside the chapel, interfere with the people, if the exigency was great.

5774. Would not your conduct, as a priest, in interfering within your chapel with your parishioners, by asking them to take a particular course, for or against any particular candidate, be governed by your own individual view of the exigency of the case, whether it was a case in which you ought to interfere or not?—I would not be guided by my own views; I would be guided by the opinion of the public; and on all occasions, wherever I took any part, I was guided by the public opinion, and those of better judgment.

5775. If you were justified, according to your view, in interfering in the election of 1828, may not a parish priest, who is more eager in politics, interfere in 1835, upon the same ground that he has a right to exercise his judgment in 1835, as you exercised yours in 1828?—I do not think he has the same grounds of doing it now as in 1828.

5776. Suppose that in his opinion the exigency is as great?—If the exigency was of equal importance with Catholic emancipation, it is probable that he might interfere.

5777. Then the right of the priest to interfere in the chapel is according to his view of the exigency of the case?—Yes.

5778. Consequently, if a parish priest is a violent political partisan, without any improper motive, he may, according to your view, interfere, if the exigency in his view is strong?—He may do it, but he would not be sanctioned by his superiors, if great necessity did not exist.

5779. Do you not think that the horrors attendant upon the tithe system create a case of a very pressing sort?—I know the horror created in the mind of the people by the slaughter at Rathcormac and at Newtownbarry, and other places, called upon the Roman Catholic priests to unite with the people in endeavouring to get some alteration made in the system, that an end might be put to bloodshed.

5780. Do you know the Rev. Mr. ———, of ———?—I do.

5781. Do you know whether he, in 1825, took any active part in the election?—He did.

5782. Do you know whether, in his church, he stated, in an harangue to the people, that their promises to a heretic were not binding, and that they were not obliged to keep them?—I did not hear a word of it.

5783. Do you believe it?—I do not believe it; he could not make such an assertion; I am sure he would be brought to account by his superiors if he did.

5784. If a Roman Catholic clergyman were in a chapel to address his congregation after divine service, and to tell them that the police were their enemies, but that the soldiers, being Roman Catholics, who were attending the service at the time, being of the same persuasion as themselves, were friends, do you think he would be justified in holding up the one to public indignation, and speaking in better terms of the other?—I know he would not be justified.

5785. Do you think such a case could occur in a chapel?—I know there is nothing possible that may not come to pass, but no such thing ever occurred in my part of the country.

5786. You think a clergyman would not be justified in doing so?—Certainly not.

5787. Would he be subject to any reprimand in case information was given to his superiors?—I know that he would.

5788. You

5788. You have stated that the landlords proceeded against their tenants in several instances at the election of 1828; and you stated that you knew one instance?—The instance that I had in my view at the time related to the last election.

5789. What was the nature of that instance?—A tenant voted for the two popular candidates; in a little time after the election the landlord sent a parcel of men on his turbary to cut it. This bog he had under lease, together with his land, for 20 years; the landlord told him he should give up this and take in exchange a worse bog, and the tenant said he would not give up his right. The landlord sent men to cut the bog, and the sons of the freeholder came and collared the men who were in the act of cutting the bog and turned them off. The landlord then ordered those men, the freeholder's sons, to be summoned, and the freeholder summoned the men who were cutting the turf; the consequence was, that the sons of the tenant, or one of them rather, was bound to stand his trial at the next quarter sessions.

5790. Did you hear him declare that?—No, I did not, but I heard the people on whose evidence I can rely state it. I was within a quarter of a mile of where the men were at work.

5791. That is the only instance that you know of yourself at the last election?—Yes.

5792. Did you know any instance in the year 1828?—Yes; I know an instance of distraining, where I myself gave money to some of the tenants, when their cattle were seized after the election for rent, which otherwise would not have been called for for some time.

5793. Was not the rent due?—It was due, but it would not have been called for for some time; there is always a dead gale on every farm almost in Ireland. This gale of rent is never demanded till the expiration of the lease.

5794. You stated that at the election of 1828 you knew people who voted against Mr. O'Connell from fear of their landlords; can you mention any instances?—Yes; one man from my own parish came to me upon that occasion, and told me that he would be ruined for ever if he voted for Mr. O'Connell; he stated the situation in which he was placed with regard to his landlord. I said to him to vote for Mr. Fitzgerald, and not to ruin himself and family, as he held his little farm at the good-will of the landlord; and he did so.

5795. You have stated, that Catholic emancipation was considered as a foundation on which a superstructure was to be raised. What was the superstructure that you contemplated?—Employment for the people; a moderate system of Poor Laws; reclamation of the waste lands; revision of the magistracy; and the removal or modification of such other things as we found to be sources of discontent.

5796. Were any of those things dependent upon the question of Catholic emancipation?—No.

5797. You said you were certain there would be no peace till the tithe system was settled; what do you mean by the settlement of the tithe system?—To settle it upon some ground that would prevent the people and the proprietors from coming into collision.

5798. You mean to say that the tithe system ought to be abolished after the lives of the present incumbents?—No; I do not mean that, but where there is no Protestant congregation, I think it would be unjust that a Catholic population should pay tithes. One of my parishes has no resident Protestant in it, but though there is no Protestant there, I would not wish that the clergyman during his life should be deprived of support.

5799. Do you consider the tithe system to be the only remaining cause of grievance?—No; that is only one of the grievances. I think the anomalous relation of landlord and tenant in Ireland is one cause of grievance, and I think the manner in which justice is administered in many districts in Ireland is another cause of grievance.

Mercurii, 1° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

George Despard, Esq. called in; and Examined.

G. Despard, Esq. 1 July 1835.

5800. WHAT are you?—I am a resident magistrate for the county of Meath, and sub-inspector of police.

5801. Where stationed?—Stationed at Trim.

5802. How long have you held those situations?—I have been sub-inspector since 1831, and I was appointed resident magistrate in this year, on the 1st of April.

5803. Did you hold any situation before 1831 in the police?—Yes; I was a chief constable in the police from the year 1823.

5804. Then your experience as a public officer of the constabulary and as a magistrate is very considerable?—Somewhat more than twelve years.

5805. Did you make, on the 18th of January, a report to Sir William Gossett, dated Trim, in these words: "I have the honour to enclose herewith the only satisfactory information I could obtain respecting the language used by the Rev. ——— parish priest of ——— when addressing the mob in this town, on Saturday, the 3d January. Mr. A. B. made memorandums of the speech when he returned to his home from the meeting; therefore his information is, in my opinion, to be relied on?"—I did.

5806. Then the deposition is as follows:—"County of Meath, to wit. The information of A. B., of Trim, town of Trim, parish of Trim, in said county, gentleman, who (being duly sworn upon the Holy Evangelists and examined) saith, That on Saturday, the 3d day of January instant, he (deponent) was present in the town of Trim, when the Rev. ——— parish priest of ———addressed a mob of about from four to five hundred persons, on the subject of the approaching election; and said (speaking of the Hon. Randal Plunkett, one of the candidates, 'Boys, do you know the meaning of Randal? Randal is Ranthaun, and I will tell you what Ranthaun means; it is a rotten calf, and a dirty tail Randal has; Ruxty Fitzherbert is one of the joints, and he is like a mule, and will die with the seed in his belly;' (alluding to Mr. Fitzherbert not having any children.) 'Bourke is another joint, and he is a relation of the late bishop of Clogher, and you all recollect Jocelyn.' He then continued, and said, 'Now, boys, the registry of every parish will be posted on each chapel; you will see the names of the freeholders; go in bodies of a hundred thousand to each freeholder's house; beg of them, beseech of them, entreat of them, and even go upon your knees to them, and ask them to vote for the late members and their country, and if any Roman Catholic will be base enough to vote against them or against their country, get some of the blood of the staggering Bob they use at Dunsany Castle, and make the figure of a head with blood over their doors, that every person may shun them; and in like manner go to the shopkeepers, who you support and leave your money with, and if they are base enough to vote against their country and the late members, draw a circle with dirt round their doors, that the grass may grow inside of it.' Sworn before me, this 18th day of January 1835. (signed) Geo. Despard." When this gentleman made this deposition to you, were you of opinion that he was to be relied upon, from his station in life?—I am quite certain he was; I had heard a much more violent report of the same speech; and I pressed this man very closely, and he gave it me in terms less violent than was generally reported by some of the Roman Catholics.

5807. So that persons who were hearers of that speech on the occasion alluded to, made to you, personally, a stronger statement than that which is contained in this deposition?—Yes, they did.

5808. Therefore do you believe that the deposition taken on oath is not an exaggerated statement of what the priest said on that occasion?—I believe not; for the man assured me on his oath he wrote it down immediately, the moment he left the meeting; and therefore I took it in preference to any other statement that was made.

5809. Was the person who spoke to you of the violence of the priest's speech a Roman Catholic?—A very respectable Roman Catholic.

5810. And

5810. And was his version of the speech, delivered by this priest, as strong as that contained in the deposition?—Much more so.

5811. Consequently have you, in making that report to the Government and in sending the deposition to the Castle, any doubt that the report and the deposition, which were forwarded, are perfectly accurate?—I have not the least doubt of the substance of them being accurate, as far as I can form an opinion.

5812. Did this parish priest, during the election, take any other and partisan means to influence the election?—Do you mean while the election was going on?

5813. Yes.—I saw the gentleman, but I did not see him take any active part, more than that he was about the town and in the court-house; I did not see him while the election was going on; my attention was directed to preserving the peace.

5814. Do you know a chief constable Carter under your orders?—There was a gentleman of the name of Carter under my orders; he has since entered into the Company's service, and gone to India.

5815. Here is a report, of the 16th January 1835, dated Trim, and addressed to you from a Mr. Carter, saying, "I have the honour to report, that on the night of the 14th instant, the windows of the house of David Greenwood, of Trim, were maliciously broken: the only cause that can be assigned for this outrage is, that Mr. Griffith, a printer, who resides in Greenwood's house, has been employed by the Hon. Mr. Plunkett to print placards for electioneering purposes." Do you place confidence in that?—Yes.

5816. You have no doubt of it?—I have no doubt of it at all; I saw the windows broken myself; and no other reason could be assigned that I could ascertain.

5817. Now here is another, dated Navan, January 19th, 1835: "I beg to acquaint you, that early this morning the signs of cross-bones and death's head were painted in black on the doors of several freeholders in this town: it must have been done after two o'clock this morning, as I was on patrol in the streets until that hour." Is that report made by the chief constable to you?—Yes.

5818. Do you believe that report?—I can have no doubt of it.

5819. Have you any proof of it further than the report being made?—I have no further proof than the report, but I am quite certain the chief constable would not make a report of the kind without its being correct.

5820. Was the object of that to intimidate the people?—I should suppose for no other reason.

5821. Have you any doubt upon that point?—Not the slightest.

5822. In its tendency, did it, do you think, intimidate any individual?—I do not know that it did; but it appears further by that report that two freeholders, of the names of ——— and ———, who were hesitating yesterday, determined on going to the election at Trim to vote for Mr. Plunkett, in consequence of this attempt to intimidate.

5823. Do you think that did intimidate these two voters? I think you said they voted for Mr. Plunkett in consequence of the intimidation attempted to be practised upon them?—I am sure they voted for Mr. Plunkett. They stated, it appears, to Mr. ———, that they were determined to do so, in consequence of this attempt to intimidate them.

5824. What is that book?—These are copies of the different reports.

5825. Copies made by you at the time?—Made by me at the time from the reports.

5826. Now read the whole of that report?—"Navan, 19th January 1835. Sir,—I beg to acquaint you that, early this morning, the signs of cross-bones and death's head were painted in black on the doors of several freeholders in this town. It must have been done after two o'clock this morning, as I was on patrol in the streets until that hour. Two freeholders here named, ——— and ———, who were hesitating yesterday about going to the election of Trim, say, however, they are determined to vote for Plunkett and Lambert, in consequence of this attempt to intimidate them. I am, Sir, your obedient servant, W. T. Coghlan, chief constable."

5827. That is the whole of that report?—Precisely so.

5828. Were there placards posted up in the town of Kells, recommending exclusive dealing to be practised towards those who voted for the Conservative candidates?—It was so reported to me.

5829. Well, now, was there a report of the 22d of January, addressed to you by

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by Mr. Pearce, stating, "Sir,—Herewith I forward certain papers, which were posted in the town of Kells on the night of the 21st instant. Signed, William Henry Pearce, chief constable police?"—Yes, I received that report.

5830. Have you got a placard to the following effect: "H——, you are a Rathcormac supporter; exclusive dealing will totter your establishment to the ground?"—I have not got that, it is one I sent forward to the Government.

5831. Do you depose to that being a copy of the placard as it then appeared?—Yes, I do.

5832. Is this a specimen of the mode in which exclusive dealing was attempted to be carried on by those who supported the popular candidate?—Yes, that is one of the reports I received.

5833. Was the feeling pretty general in that county, that those who took part against the popular candidate would be visited with exclusive dealing as a punishment?—Yes, it was, and it has been continued up to a late date; for so late as, I think, the 11th of May, there was a notice served on a man of the name of ———, threatening him with the fate of a man of the name of ———, who was murdered in the daylight, if he did not withdraw his cattle from the farm of a man of the name of ———, who had voted. I have the notice here, and can read it.

5834. Read the notice?—"Notice is hereby given to ———, that if he does not take off his cattle off ———'s land, he shall be dealt with as ——— was, for ——— is a disgrace to the Roman Church for voting against his country; for if he were an Epaminondas, that famous Theban who fought for his country's cause, or Leonidas, the great Lacedemonian prince, who expired for his country's weal, he should be respected; but now he must be put down, and all men dealing with him; and especially, ———, we do not like to do you much injury, and if you continue to deal with him, you shall be persecuted worse than any man; so no more at present from Captain Rock."

5835. Do you consider that that notice was a laughable matter to the person to whom it was addressed?—Oh, not at all.

5836. Do you think it was calculated to make him laugh?—It was calculated to alarm him very much.

5837. And you think it did alarm him?—Very much.

5838. It was no joke to him, was it?—No, for I was obliged to direct protection to be afforded to him.

5839. Did any thing happen in consequence of that notice to ———?—I directed the police to afford him constant attention, and to beg of him not to withdraw his cattle, and he did not.

5840. You yourself, notwithstanding the pleasantry that pervades it, in consequence of the quotation from profane history, thought it a very serious notice, did you not?—I did, for I had known a notice drawn up in the same strain followed by murder.

5841. Therefore the jocularity of it did not at all diminish the danger of it in your estimation?—I should think not.

5842. In your opinion, are such notices calculated to intimidate voters on any coming election from voting for the candidate whom they may wish, and against the popular candidate?—That such is their object I have no doubt, and that it has very often the effect I have also no doubt.

5843. Consequently, you conceive that the system of intimidation which has still been pursued as late as the month of May, is part of a system and part of a conspiracy in order to make those who voted on the late occasion for the Conservative candidate not to do so on any future occasion?—I should suppose that is the object.

5844. Then this system of intimidation which prevails in Ireland is calculated to prevent any thing like freedom of election?—Indeed, I should quite think so.

5845. Now here is a report of yours of the 23d of January, addressed to Sir John Harvey, dated Trim: "I have the honour to report that the election for this county has terminated in the return of Messrs. O'Connell and Grattan, by majorities of 492 and 480 over Mr. Plunkett. I feel much pleasure in saying every thing has passed off in a most peaceable manner, which I in a great degree attribute to the cordial and efficient assistance given by the military in general under Colonel Campbell, and the 3d Dragoon Guards in particular under Captain Hodgson, to the civil force, whose conduct, I have much pride in saying, placed them above reproach. Several very exciting speeches were addressed to the mob, both yesterday and this day, by the well known Rev. Mr. ———, parish priest of

———;

———; this day his language was not quite so bad as yesterday; but the following words which I noted as they fell from him may serve as a specimen of his oratory: "If you have time after the chairing is over, get a coffin, you can easily do it, by getting a few boards nailed together, and throwing a pall over them; they are the Conservatives; then put four persons under the pall, they will represent Randal Plunket, Sir Charles Dillon, Ruxton Fitzherbert, and W. Blayney Wade, four of the greatest scoundrels that disgrace this county; parade them through the town, and then throw the coffin into the Boyne. (signed) George Despard." Now you say that several exciting speeches have been made before by this individual, and that these words which have been quoted in the latter part of the speech you yourself heard him deliver?—I heard him deliver those words; I noted them down at the time.

5846. You think there could be no mistake on your part in so noting them down?—I do not think I could have made any mistake.

5847. Do you think that that speech so quoted by you is merely a specimen of speeches delivered by him, and do you recollect from any reports made to you of the speeches of this parish priest, that his former speeches were equally violent with this?—I have had reports of many violent speeches made by him. I have heard him make several very violent speeches, and I think that is a fair specimen of the tenor of his language to the people; I noted that because there were four names mentioned.

5848. Do you think that this notion of getting a coffin made, and going through the mockery of a funeral, and throwing it into the Boyne, and telling the people that these gentlemen, who are the Honourable Mr. Randal Plunket, Sir Charles Dillon, Ruxton Fitzherbert, and W. Blayney Wade, telling the people that they are four of the greatest scoundrels disgracing this county; and that the coffin should be paraded through the town, and then thrown into the river Boyne; do you consider that such a speech, on the part of a Roman Catholic clergyman, was calculated to keep the peace of the country, or was it not your opinion that it was calculated very much to disturb the peace of the country?—I think it was calculated to hold up those particular gentlemen to the hatred of the country.

5849. Was a coffin so paraded through the town not calculated to raise a mob?—Had it been done, I am sure it would, but I know it was prevented by several very respectable gentlemen who had great influence.

5850. Were these gentlemen Roman Catholics?—They were Roman Catholic gentlemen who spoke to me about it.

5851. Did these Roman Catholic gentlemen, when they spoke to you upon this subject, take the same view of the speech of Father ——— as you yourself have in this report?—I spoke to them in the first instance about it. I mentioned my own feelings, and they perfectly agreed with me, and told me that the thing should not be done.

5852. But did their versions of what Father ——— had said, agree in substance with this report made by you?—Yes, they did; they had all, I think, heard it as well as I had, and I read his words that I had written down.

5853. They having been as well as yourself present?—I suppose they were; I do not know whether they were or not; I believe they heard the speech, but I mentioned the speech to them, and they did not say they had not heard it.

5854. And consequently you consider that this report, or the substance of it, is accurate, and you mentioned it to these Roman Catholic gentlemen in order to obtain their influence to prevent this parade of a coffin, under the circumstances recommended by the parish priest?—Yes; I mentioned it with that view.

5855. Then the laymen Roman Catholics of that county were, upon this occasion, less violent than the parish priest, by using their influence to prevent the parish priest's recommendation?—Those gentlemen that I spoke to were, certainly.

5856. Were these gentlemen supporters of Randal Plunket?—No, of Mr. O'Connell and Grattan.

5857. These Roman Catholics were their supporters, and not Mr. Plunket's?—They were.

5858. Now have you not known that respectable Roman Catholics have viewed with great disgust the conduct of Father ——— upon that occasion, and upon previous occasions when he had used these harangues?—Yes, several Roman Catholic gentlemen have expressed to me the greatest disgust of the language they had heard.

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5859. Do you consider that that election could have been carried on without considerable riot unless the military and the police had been called in?—I am quite certain it could not.

5860. Now here is a report of yours to Sir John Harvey, 24th January 1835:—"Sir,—The only use made of the troops quartered in this town during the election was under the high sheriff's orders, to keep the passages of the principal streets and bridge open, so as to enable freeholders and others to pass without being spit upon and abused, nor were they so employed until it was absolutely necessary, in consequence of General Taylor and several other gentlemen having been grossly abused and insulted. We had very few police in town (as I was obliged to detach parties to places which I had not at first anticipated), and their duty was confined to keeping the booths and passages in the court-house clear, a service which they performed in such a manner as to elicit from several magistrates and gentlemen of the popular side unqualified praise. I adopted the plan of making individual arrests where assaults were committed, and in almost every instance those arrests were made personally by myself, and the delinquents marched to the gaol by a few policemen, protected by dragoons, when two magistrates, Protestant and Roman Catholic indiscriminately, sat upon, tried and convicted, or acquitted them, sentencing those convicted to fine or imprisonment, which was instantly carried into effect. These measures, aided by the dragoons keeping the passages of the street open, preserved peace and good order throughout an election where there was more danger of a serious riot from the excited state of party feeling, principally caused by a very injudicious and improper parading of a body of Orangemen through the streets than at any election I have been at. In fact, on Tuesday I was in the centre of a body of men of more than two thousand persons who, armed with clubs, were pouring into the town with the loudly avowed determination of attacking the Orangemen and driving them away, but upon meeting the dragoon patrole, one fellow close at my elbow exclaimed, 'Oh, by God! that one-eyed rascal Despard will not allow us to fight to-day;' upon which, to his surprise, I addressed him, and told him and the others, I would not, and that they would eventually be obliged to me for preventing them. I also expostulated with them on the folly of such a proceeding; but, although they were most civil to me, I could evidently see how fixed their determination was to effect their purpose but for our timely precautions; and I have no doubt but that they were purposely ordered in, and as there were at least ten thousand persons in town that day, had a collision taken place, as the Orangemen were armed, it is impossible to say what the result would have been. On Thursday, the dragoons were not ordered out until I was requested to do so by some of the popular party, who were in the greatest fear that a collision would take place. As the whole of the police were on active duty the entire of each day, I requested Colonel Campbell to send out two infantry patroles from about 6 to 9 P. M. each night, to prevent any rioting in the streets; these patroles were invariably accompanied by three policemen, who kept a little in front; and I assure you, that had it not been for the precautionary measures we adopted, I could not now report the peaceable termination of the contest. This town was not illuminated. (signed) George Despard, S. I." Now, Sir, that report you made while I was in Dublin; you made it to Sir John Harvey?—I did.

5861. And by him it was forwarded to the Government?—I believe so.

5862. What is the population in the neighbourhood of Trim, within several miles of the neighbourhood of Trim, what is the proportion of Roman Catholics to Protestants?—There are a great many Protestants in the town of Trim, but the Roman Catholics are, I suppose, about six to one, I take it—at least that.

5863. You say that the Orangemen in the town were armed?—A body of people, whom I understood to be Orangemen at that time, whom I have since ascertained were some Orangemen and some Protestants, I heard at that time they were armed, and I have found out since, from decided evidence, that they were.

5864. What was the object of these men in coming to the election?—I understood that they were acting as street agents for Mr. Plunket—what are called street agents; they paraded the town in a large body, hurrahing and shouting, and they acted in a manner which I thought was very much calculated to cause a collision between them and the people, and I therefore spoke to the high sheriff on the subject.

5865. You therefore thought it your duty, without any feeling of being a partisan, to remonstrate with these people, to speak to the high sheriff, and to put a stop to this Protestant party that were parading the streets?—I went to the high sheriff,

and

and told him, in my opinion it was most injudicious and unadvisable conduct, and begged him to remonstrate with Mr. Plunket or any body else who had any power over them, to request they would be more quiet.

5866. Were you not, by such impartial conduct, strictly acting up to the instructions which you had received?—Certainly. A public man can know no one.

5867. Do you not therefore conceive that there was an absolute necessity for the employment of troops, knowing that the entire population of that country is so mixed up with party feeling, that these two parties of Protestants and Catholics might have come into collision, and that most serious results might have followed?—I am quite certain that had not the troops been there, nothing could have prevented a collision, which would have been followed, I need not say, with disastrous consequences.

5868. On the preceding election in 1832, was there a contest?—I do not think we had an election in 1832; we had two elections in 1831.

5869. Was there a contest?—There was a contest in May 1831, and another in August 1831, but there was no contest in 1832; Mr. Grattan and Mr. Morgan O'Connell were returned without a contest.

5870. Is it your opinion, that if there was a contest to-morrow for the county of Meath, and supposing that the same riots might be anticipated, do you consider it would be necessary to employ troops?—In any event where there is a contest, I should suppose it was absolutely necessary to employ the troops.

5871. Not so much for the sake of the interest of any candidate as for the sake of the people—preventing bloodshed?—Precisely so.

5872. Do you consider that the Government were at all disposed, by the sending of troops, to favour any of the parties?—I am quite sure they were not, as far as I know.

5873. Did the officers so employed act as partisans in any way during the election?—The military officers?

5874. Yes?—Not the least in the world.

5875. Was there any accusation made against them by the popular side?—Oh, not at all, there was not an accusation made against either military or police.

5876. Do you think that the people of the town of Trim, Roman Catholics of the popular side, having property in the town, would be satisfied with the Government if they allowed a contested election to be had without sending policemen and military into that town?—I am sure they would not, for they have always expressed an anxiety to have military and police to prevent any outrage or any outbreak.

5877. So that, according to your view of the case, the necessity for sending military is not for the purpose of showing any partiality to either side, but for the protection of property and life?—Mere preservation of the public peace.

5878. Do you consider that the same line of conduct was adopted by the previous Government of Lord Anglesey and Lord Wellesley, as was adopted by the late Government in January 1835, for the preservation of the public peace?—I have never known any difference, it has always been the case at contested elections that troops have been sent out.

5879. Now here is a report made to you by the chief constable M'Clintock: "Rathkenny House, Slane, 25th January 1835. Sir,—I beg to report, for the information of the inspector-general, that about ten o'clock on the night of the 23d instant, a party of men, about forty in number, attacked the dwelling-houses of ——— ——— ———, in the neighbourhood of Summer Hill, Lower Barony of Slane, and three miles from the post town of Nobber, calling out for Orangemen and down with the Protestants and Plunket, and then went off. The ——— or ——— can assign no cause for these outrages, except being Protestants, and that ——— voted for Mr. Plunket at the late election in Trim. (signed) Samuel M'Clintock." Here is a threatening notice of the 25th January: "Kells. Sir,—A threatening notice (a copy of which I enclose) was posted on the Cross of Kells, and taken down by Serjeant Foresayth, of the Meath staff, on the night of the 24th instant. (signed) W. H. Pearce. 'Let no man go into any Orangeman's house, and especially into ——— and ———, and if ever we catch you, we will crack the head of them.' A true copy, (signed) W.H.Pearce, chief constable."—Yes.

5880. Here is another of the 26th January: "Sir,—I beg to report, for the information of the inspector-general, that on the 25th instant, some persons (as yet unknown) went into the house of widow ———, who keeps a huckster's shop in the post-town of ———, barony of Morgallion, and told her in a threatening manner, that if she would sell or get any more of Mr. ———'s bread, it would be taken out

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out of her house and scattered about the street, and that Mr. ——— would not be at the loss: the only cause assigned for this threat is, that Mr. ———, who lives in the post-town of Drumcondra, Lower Barony of Slane, and keeps a bakery, canvassed for Mr. Plunket at the late elections for this county. (signed) Samuel M'Clintock." That is sent to you; that report?—Yes, that report; and here is the notice.

5881. The original notice, I presume, is the same as that I read?—It is the same as that you have read.

5882. Here is a report of chief constable Coghlan, dated 27th January 1835:—"I beg to forward you on the other side, copies of two threatening notices, which were posted on the pier of the chapel-gate of this town on Sunday last, to prevent persons from dealing with freeholders of this town, who voted at the late election in opposition to the wishes of the mob. The originals I have laid before the magistrates at petty sessions here (yesterday), who have offered a reward of 10*l.* for the discovery of the persons concerned.—'No. 1. To the men of Meath. I hope, men of Meath, you will rejoice and be glad; you know we gave the Orangemen a good beating, bedad. The people will always be firm to the end, in support of their freedom, which Randy cannot rend. I—— Y—— M—— N—— sells bread; who would eat it? Ditto, whiskey; who will drink it? T—— Y—— M—— N—— boots and shoes; who will wear them? Whoever buys from either, Randy cannot save *** them *** from scorn. I will take your advice. Yours, &c. Veritas.' 'No. 2. Take notice, not to deal in either buying or selling with your enemy while you can either buy or sell with your friends: the old poteen-man, James Morgan, voted for Randal Plunket against the people. ———, the shoemaker, did the same. ——— old ——'s son, that was brought up for charity in Mrs. Edgeworth's school, walked with the hungry Orangemen in Trim; his nails falls off the head. ——— apothecary, that would poison his patient with the look of his eye, gave his vote to Randy; buy no salts. Ditto, ———, let him live by his wife's petticoat-making. Ogle.'" Now, these were all for the purpose of recommending exclusive dealing, were they not?—Yes, of course.

5883. Although they are given with some wit and humour, they still had the effect of preventing people dealing with these individuals?—They had.

5884. You do not consider that they were issued as jokes, but as threats?—As threats.

5885. Have you been at Trim since the election?—I reside at Trim.

5886. Are you at all aware how far, or whether at all, the notices which have just been read have been acted upon, in reference to these men against whom they are directed?—Is it in Trim you mean?

5887. In Trim?—These men do not reside at Trim; they reside at Navan; for some time the notices were acted upon, and Mr. Coghlan reported to me, under date of 22d of January, that a number of the peasantry assembled. I can read the report, if you please.

5888. Read it, if you please?—"Navan, 22d January 1835. Sir,—I beg leave to acquaint you, that on yesterday, and until late last night, being the market-day of this town, a number of the peasantry congregated in front of ———'s shop, threatening persons not to dare to purchase bread or meal from him. Having previously placed guards of police to protect the freeholders who voted contrary to the wishes of the mob, they succeeded in arresting some of them and swore informations against them; (those were some of the people that were threatening the voters.) Two women who are Protestants, and in the employment of the bishop of Meath, were severely beaten on their way home, for having purchased flour in Mr. ———'s shop. I went with some of the police and military under the orders of a magistrate, and thereby afforded sufficient protection to enable them to proceed home without further injury. Although no fresh outrages have occurred this day, this district is in the greatest state of excitement. I am yours, W. S. Coghlan. 22d January."

5889. Are you aware whether ———'s business has fallen off, in consequence of people abstaining from purchasing at his shop?—I am not at all aware of it.

5890. It appears there were two women assaulted?—Yes; it so appears by Coghlan's report to me.

5891. That report is made by the constable?—By the chief constable, Mr. Coghlan.

5892. Was any prosecution instituted against the persons who committed this assault?

assault?—Certainly not; I suppose they did not know the people who assaulted them.

5893. You say "you suppose;" did you, Sir, who appear to be at the head of the police and who received an official communication from a person in your own employment, a subordinate officer, finding such an outrage committed, rest satisfied with supposition?—A magistrate having accompanied Mr. Coghlan to the women, I did not conceive it was necessary for me to go there afterwards, as I was otherwise detained in Trim, attending to the peace of that part of the country.

5894. Did you direct a magistrate to go there?—I did not; a magistrate went.

5895. Have you any report to that effect?—Yes; it is mentioned here.

5896. Will you read that, if you please?—"I went with some of the police and military, under the orders of a magistrate, and thereby afforded sufficient protection to enable the women to proceed home without further injury."

5897. It does not appear, by what you have now read, that any steps were taken to prosecute the persons who committed this outrage?—It appears that there were informations sworn against some of the persons.

5898. Then we find an inchoate proceeding with a view to a prosecution; we find that there were individuals (which is at variance with your supposition) who were charged?—Not with respect to the women. This report refers to two things; one to the peasantry congregated in front of ———'s shop, and threatening persons not to purchase bread or meal.

5899. Well, were they prosecuted?—It appears informations were lodged against them.

5900. Is an information the first step?—Yes.

5901. And the swearing an information shows the individual was recognized; did you, as having the peace of that district under your surveillance or care, take any measure for the purpose of having that prosecution carried into effect?—I suppose that the information was forwarded in the usual way; they may have been tried at the last quarter sessions for aught I know; I was not at the last quarter sessions.

5902. Would it not be the business of the magistrate, before whom the information was sworn, to follow up the proceedings more than you?—Yes, certainly; I cannot take the business out of any magistrate's hands: it is reported the information was sworn, and I understood the prosecution was followed up.

5903. What was the result?—I do not know; I was not at the quarter sessions.

5904. You were not present at the prosecution?—I was not; I do not know whether it was at the last quarter sessions, which took place since I came over, that they were to be prosecuted, or the previous one. The magistrate, I suppose, returned the informations to the quarter sessions; I was not at either of the two last quarter sessions.

5905. Then you merely suppose the informations were returned, but you do not know the fact, and you do not know whether any prosecution was carried on?—Not of my own knowledge.

5906. And you never afterwards took the trouble of inquiring, on your return to the county, whether a prosecution had been carried on with respect to the matter in question, about which you appear to have had a preliminary official correspondence?—No, I did not ask a question about it.

5907. Now, with respect to the women; it does not appear that any informations were sworn?—No, I asked Mr. Coghlan if the women knew the persons who assaulted them, and he told me that they did not; he had spoken to them, and they said that they had no knowledge at all of the people.

5908. You made no report of that fact?—No, that was verbal; I went to Mr. Coghlan and spoke to him on the subject.

5909. Is it possible for you, as sub-inspector of that district, when depositions are made before magistrates, you yourself to be the prosecutor, and keep an accurate memorandum of all the facts that take place at the quarter sessions, with a conviction not made upon depositions sent in by you but made before magistrates?—Certainly not; when a magistrate takes informations he follows up the case himself.

5910. Unless the case be one of great violence, is it not the custom in the country not to visit after an election any violence committed during the election with the same severity that you would in tranquil times?—Constantly, because great allowances are made for the excited feelings of the people.

5911. Is not that the feeling of every Government?—Certainly, I believe it has been

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been generally wished that any case arising out of an election should not be followed up.

5912. Now do you think on this transaction to which you have been examined, you have spoken frankly—and every man is liable to make some slips in his official duty; do you think you neglected your duty on the occasion referred to?—Certainly not; a great many persons were convicted summarily at Trim at the last election before me and another magistrate of assaults committed during the heat of the election. The moment the election was terminated, I was requested by some gentlemen of the popular side to use my influence with my brother magistrates to have them discharged, and we did so: we remitted the punishment.

5913. Now here is a report made from chief constable Jones, at Athboy, 13th February 1835: "Sir,—I have to inform you, that upon the night of the 11th inst. a plough, the property of ———, of ———, was maliciously cut in pieces upon the lands of ———, parish of Kildalkey, and barony of Lune. The cause of this outrage was ——— having taken corn acres from Mr. ———, of ———, who voted against Messrs. O'Connell and Grattan at the late elections." "Athboy, 13th February 1835: Sir,—I have to inform you, that upon the night of the 11th inst. the premises of ———, of ———, parish of Kildalkey, and barony of Lune, were visited by a party of ruffians, who broke his dray in pieces; after doing so, they called at his house and told him what they had done, and said that it was in consequence of his having taken corn acres from Mr. ———, of ———; that gentleman has a quantity of ground to set, but because he voted against the popular candidate, no one dare take it." Did you receive those reports?—I received both those reports.

5914. Are you aware whether that state of feeling has continued since, or whether persons have felt themselves at liberty to take these corn acres at a subsequent period?—I apprehend that in some cases it is continued up to this moment.

5915. The corn acres are unlet?—The corn acres are unlet, particularly the case of a man of the name of ———.

5916. Here is another report from Kells, 19th February 1835: "Sir,—A notice relative to exclusive dealing was posted in the town of Kells, on Monday night, the 16th inst. (a copy of which I enclose) and taken down by Mr. Clare, adjutant, Meath staff. The original document I retain. (signed) W. H. Pearce. 'Take notice, we advise you to keep on the exclusive dealings; you that are astray in the town, you can ask where to go; it was they began it; they have it between themselves these four years; but, alas, they put up hand bills begging of you to go back to them, but who dare attempt to cross their doors, let them mark the consequences. Gentlemen, I am your very obliged servant, Buckthorn. (True copy.) Posted in Kells, so and so.'" Here is another, "In the absence of Mr. Jones, I beg leave to inform you that on the night of Sunday, the 15th inst., between the hours of eight and nine o'clock, a party of men, consisting of eight or nine, armed with sticks, entered the following houses, ———, ———, ———, ———, all residing in the townland of ———, barony of Demifore, and post town of ———, and threatened them if they did not give up the corn acres which they had taken from ———, of ———, they would be under the clay before the corn would be over it; the party then departed without doing any injury. Each of these persons positively state that they do not know any of the persons who so entered their houses on the night in question. The only cause that can be assigned for these threats is, that ——— voted for the Hon. Randal Plunkett at the late election; in consequence of the threats held out, each of those persons gave up the corn acres to ———; the matter has been kept very private." Now, with regard to these threats, have they had the effect stated in the report?—Yes, and those threats were further followed up by a notice posted on the chapel at Kilshier of the 11th April, which I will read to you, if you will allow me. "Sir,—Take notice that I hereby caution you or yours that are intended to take potatoe land from your friend ———, not to have any thing to do with it, or if you do, mark the consequence of it; or if you take his land, will ——— engage your life or property to you; you all know he behaved a friend to you at the time of the elections, when he voted for Randal Plunket; let you look to Wales and Scotland, a free nation, and why not Ireland be the same; any person or persons taking this notice down until the public is satisfied, let him mark the consequence of it. Captain Rock, dated 11th April 1835. A true copy, (signed) W. H. Pearce, C. C. P."

5917. If you were required to give particular cases, could you not give the names

names of several persons who had suffered in the way of trade in the way of exclusive dealing, and in the way of threats, in consequence of not voting for the popular candidates?—Yes.

5918. You could produce instances of it?—Yes, up to this moment exclusive dealing is resorted to in the town of Kells.

5919. To any great extent?—I believe no Protestant whatever is dealt with there; but I should say that that arose out of a further cause; there was a man murdered immediately on the termination of the election at Kells, and I think that that has increased the bitterness of party feeling.

5920. Was that murder connected with the election in any way?—It was the night of the return of a party of Orangemen from Trim to Kells.

5921. Was it connected with the election in any way?—I take it, it must have been to a certain degree connected with the feeling arising out of the election, because Mr. Plunket's name was mentioned by both parties.

5922. In one of the reports which you have read, a reference is made to a body of armed Orangemen; the words armed Orangemen are used?—Yes.

5923. Was there a body of armed Orangemen in the county?—There was; some of these people, I understood, came from other counties.

5924. You understood that a body of armed Orangemen came from other counties?—Yes.

5925. And on the night on which a body of armed Orangemen returned to Kells, a person was murdered?—A person named Henry was murdered.

5926. Was Henry a Catholic or a Protestant?—He was a Roman Catholic.

5927. Did the murder take place on the road, or in the vicinity of any spot near which the body of armed Orangemen passed?—The murder took place in the street of Kells, and a parcel of Orangemen were charged, by the verdict of the coroner's inquest, with wilful murder. They were tried at the assizes, and the jury did not agree.

5928. How was he murdered?—By the stab of a sharp instrument; one small stab.

5929. And to the murder of this Roman Catholic, by whoever it may have been committed, but which took place on the night on which the armed Orangemen returned, you attribute the continuance of strong party feeling in the town of Kells?—I do.

5930. And of exclusive dealing?—I think that tended to increase it very much.

5931. You stated that some person belonging to this party of armed Orangemen, having been charged by the coroner's inquest with wilful murder, he was tried at the subsequent assizes, but the jury did not agree?—Exactly so.

5932. Are you acquainted with the circumstances under which that dissent of opinion among the jury took place; were they composed partly of Catholics and partly of Protestants?—The jury consisted of six Protestants and six Catholics.

5933. Do you know how that person voted, or whether he voted at all?—He was not a voter, and he was not a freeholder.

5934. Was the person who was murdered a voter?—No.

5935. Was there any inducement to murder that man for any part that he had taken in the election?—No, I think it arose out of a sudden affray at the moment.

5936. Now you stated that the jury did not agree; may I ask of what that jury was composed, according to the best of your recollection?—The prisoners named six Roman Catholics to try them, and the prosecutors, the friends of the deceased, named six Protestants; that I understood to be the arrangement, and I believe that the jury was so composed; that was the arrangement made to save challenging, and all that kind of thing, that the prisoners should name six Catholics by whom they should be tried, and the friends of the deceased should name six Protestants; and so the jury was constituted.

5937. And the verdict was a verdict of wilful murder against the Orangemen?—No, they did not agree.

5938. How was it stated that the jury had voted or had determined upon that occasion; did you ever hear it made a matter of report how the jury, if I may use the term, had voted upon that occasion?—I may have heard it casually; there were many reports about it. Some said that there were four Roman Catholics and two Protestants for convicting, some six Protestants for acquitting, and six Roman Catholics for convicting.

5939. From what you know of it, would you call it a mere Orangeman's row, or should you have said the death arose in consequence of a general row taking place,

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place, from the excited state of the town?—Why, from what I know of it, it appears to me that the death took place in consequence of some expressions used inadvertently, first by the deceased, and subsequently by the Orange party.

5940. Was there any premeditation in this attack?—None at all.

5941. What were the expressions?—The first expression was, "to hell with Randal and all his breed" (meaning Mr. Plunket), and the Orangemen made some other answer, which I cannot exactly recollect; it was, that that is rebel, or some expression of the same character. As far as I could ascertain, after a long and protracted inquiry at the inquest, it appeared to me that whatever scuffle there arose, in that scuffle the man received the wound of which he died.

5942. Were you present at the inquest?—All the time.

5943. It was at night, was it?—Dark; very dark night indeed.

5944. Do you consider that there was any private vengeance between the parties arising out of the election, or that it was merely one of those insults having been mutually given, it was one of those unpremeditated attacks in which a man may lose his life?—I have already said it was a sudden outbreak, quite unpremeditated on either side, and arose from the use of these unfortunate expressions.

5945. A general row?—Yes.

5946. May I ask you whether you heard if the jury differed with respect to the identity of the parties accused, or with respect to the fact of the crime having been committed at all?—I heard one of the jurors come out and address the judge on the subject of the verdict, for they continued a long time in consultation; and he said that the jury were all satisfied it was some one of the Orange party gave the wound, but that they did not know which of them.

5947. You say a body of armed Orangemen entered the county; that proceeded from other districts?—I say there was a body of men whom I understood to be Orangemen, armed in Trim, and I heard some came from other counties.

5948. What was their number?—I dare say there may have been as many as 200 altogether.

5949. Did they appear in open day with arms?—Not at all; I could not ascertain decidedly that they were armed. Whatever arms they had were secreted, because I spoke to the sheriff on the subject.

5950. Did they move about?—They moved up and down the town, hurrahing and shouting.

5951. Were they electors?—I do not know that there was a single elector among them.

5952. What was the number of people in Trim some days?—I dare say as many as 20,000 people on some days.

5953. Mostly composed of what?—All Roman Catholics, almost.

5954. Was not the town in a very excited state, did you not mention a little time ago, in consequence of the harangue of Priest ———?—Priest ———'s speech was at the termination of the election.

5955. But was the town very much excited, the Roman Catholic portion of it?—There were a great number of Roman Catholics present at that speech, but they all separated afterwards; there was no illumination.

5956. Is it your opinion that these Orangemen came in for the purpose of protection, or for the purpose of insult?—I should suppose for the purpose of protection.

5957. You know of no case being proved against these Orangemen of committing damage with these arms?—Certainly not; there was one man came to me, and made a complaint that he had been threatened by an Orangeman, and I made the whole body fall in, and I took him up and down repeatedly, and begged him to point out this person if he could, and he could not.

5958. Was it not necessary to interpose to prevent a collision?—I said I thought it necessary to employ the troops to prevent a collision.

5959. Was that the conduct of men who came for the purpose of protection, to be going up and down the streets in a body hurrahing?—I understood they came for the purpose of acting as street agents for Mr. Plunket.

5960. What do you call street agents?—Protecting their freeholders from their tally rooms down to the booths where they were to vote—what was understood to be street agents—and that they brought those arms to protect themselves against any attack the mob might make upon them.

5961. Were the Catholics armed?—I did not hear an instance of any Catholic being armed.

5962. What

5962. What body of police and what body of military were there in Trim?—We had four companies of the 46th, we had a squadron of the 3d, I think it was the 3d dragoons, and about 50 police.

5963. Do not you think that this armed force would have been sufficient to protect the voters in going to the hustings?—I think it would have been more judicious to have left it to them.

5964. Did you attend the election in August 1831?—Yes, I did.

5965. Now, with regard to Mr. Bligh, what was his political opinion, he pledged himself to support the Reform Bill, did he not?—I do not know what Mr. Bligh's political opinions were at all.

5966. What was the state of the town at that election?—The town was in the greatest degree of excitement: there was more violence at that election than I ever witnessed in my life.

5967. Was Mr. Randal Plunket a candidate in 1831?—No, he was not.

5968. Who were the candidates in 1831?—In 1831, Lord Killeen, the Honourable Mr. Bligh, and Mr. Grattan.

5969. Did the Rev. Mr. ———, P. P., whom you before mentioned, take any very determined or violent part at that time?—Yes, Mr. ——— spoke very violently at that time; I see by a memorandum I have here.

5970. What is the memorandum that you have got of that?—The memorandum merely is, that Mr. ——— and Mr. ———, and a reporter of the Freeman's Journal, addressed the people in a very violent manner.

5971. Was not Mr. Lawless there at that time?—No, Mr. Lawless would not show himself.

5972. To what do you attribute the result of that election, do you think it was a free election according to the wishes of the people, or that it was produced by violence and intimidation?—It was produced, in my opinion, by violence and intimidation, for I never knew so much violence at any election as in 1831.

5973. Do you think that the state of the town and of the parties at that election would have justified those who came into the town, such as the Orangemen you have described coming in with the means of protection?—Yes, I think it would have justified any Member of the county, or any person coming there to act either as an agent or an elector to have come armed; and I am sure no gentleman who was in any way connected with the Orange party could come unarmed, in consequence of the violence used at that election.

5974. Did you not find it necessary that the electors coming up to the booths should be protected by persons attending them, in addition to the police, in consequence of the active part the priests took at the election?—I think, in consequence of the violence of the mob, it may be very useful just to have an agent who may know the freeholders going up, and to have those men along with him, protected by the police and military.

5975. Can the electors going up to vote for the candidate who is not supposed to be the popular one, go up freely or without danger, unless attended?—Certainly not.

5976. Did you mean, in the answer to a former question, to say that this protection was necessary, in consequence of the intimidation excited by the priests?—No, intimidation generally.

5977. Do you mean to say that the priests, by the speeches which were made, such as the one detailed, did materially assist in exciting the people, and in being one of the causes of intimidation?—My opinion is, they did.

5978. If there had been no priests there, do not you think the people would have committed considerable violence, and exercised considerable intimidation nevertheless?—My opinion is this, that if there were not persons who excited them, both Roman Catholic clergy and agitators, that the people would be peaceable and quiet.

5979. When you speak of agitators, do you mean priests or laymen?—I mean all those, whether priests or laymen, who take a part in exciting the minds of the people.

5980. But my question goes to the part especially taken by the priests, and I say, supposing that the people had been addressed by orators who were not priests, and supposing that the priests should remain quite silent and in their own houses, do you or do you not think the people would nevertheless have committed considerable violence and intimidation?—I think they might, but I am quite sure not so much

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much as if they were excited by their clergymen, who seem to me to have much more power on them than the agitators.

5981. Then you think there should be a perfect abstinence from all exciting speeches at elections?—I think there ought to be a perfect abstinence, if possible, from every exciting topic.

5982. You said that, in your opinion, if the people were not excited by priests and agitators, that they would be quiet; do you believe that if an election was carried on quietly, that the voters would vote according to the wish of their landlords, or according to what may be termed popular feeling?—I am quite sure that if the people were let alone, the landlords would have very great influence with them.

5983. Now I ask you, from what you know of the country people, of the small voters in that county, do you consider that they would be glad if they had no vote to give, but were allowed quietly to remain on their farms, and to have no qualification?—I believe there are a great many of them would be very glad to be rid of their franchise at this moment.

5984. Would their wish of being disqualified arise from the circumstance of their now being placed in a difficult position between the wish of their landlords on the one hand, and the intimidation and influence exercised by agitators and priests on the other?—Certainly, that is the very position in which they are unfortunately placed.

5985. Now which of these two influences, in your opinion, has the preponderance?—The influence of the Roman Catholic clergy, aided by the agitators, by persons whose trade almost is to excite the people.

5986. On which side, so far as they have political opinions, do you apprehend their political opinions coincide?—I am not aware that the lower classes of the 10*l.* freeholders have any very decided political opinions, but I should say this, that I never interfere or never try to make myself acquainted with their opinions; I do not try to make myself acquainted with that, I avoid every topic of the kind.

5987. Do you think they yield to the impulse of the moment from whatever quarter it comes—that they yield to the strong impulse of the moment?—I think this, that they would naturally go with the landlords, from whom they receive reciprocal benefits, and that they are very much annoyed and very sorry for having the tie so completely severed as it has been.

5988. Would they fear any injury from their landlords if they go against them?—I dare say they might fear this, if their leases were out, that they would not be renewed; or they might fear, if they had an arrear of rent, that it would be called for; but I know no instance of such a thing.

5989. Do you know of any instance in which these unhappy men so pressed by the priests on the one hand, and the influence of the landlords on the other, have been punished by the landlords by ejectment, since the election of 1835, in consequence of having voted against their landlords?—Not a single one.

5990. Do you know of any injury that has been sustained by the voters who have voted for the popular candidates against the wish of their landlords?—No, I do not.

5991. Have you heard of any?—No, I have not heard of any. I do not make any inquiries on the subject.

5992. This is the month of July; have you up to this period known any serious injury sustained by any voter in consequence of his having voted against Mr. Randal Plunket?—No, I have not; I have not heard of any thing of the kind.

5993. Have you heard of any instance in which the priests have excommunicated any Catholic in consequence of his conduct or vote during the election?—Certainly not.

5994. Do you consider the interference of the priests is confined to Father ——— alone, or generally?—I do not think that the interference of the clergy has been so general in the county of Meath as I have heard of in other counties.

5995. But you do not confine your observation entirely to Father ———?—No, because other Roman Catholic clergymen have taken part.

5996. When they interfere, do they lay before the people any political reasons for their voting for a certain candidate, or do they excite them without any reason being given to vote as they direct?—To answer that question I would have to refer to a number of reports, which I have not with me.

5997. I only refer to the election of 1831?—I have not the reports of speeches absolutely delivered in 1831 with me.

5998. You stated you never knew so great an excitement as at that election?—Yes,

Yes, there was a Mr. ———, from Dublin, and a Mr. ——— there, who I see made very exciting speeches.

5999. What were the politics of the different candidates at that time, can you tell?—Why I believe Mr. Bligh was a Whig; Mr. Grattan and Lord Killeen, I suppose they were pretty much of the same politics.

6000. Who was beaten at that election?—Mr. Bligh was thrown out.

6001. The Whig candidate?—Yes.

6002. What do you suppose was the particular difference between these two candidates, one of which Father ——— supported, and the other he opposed: Mr. Bligh was a Whig and a Liberal?—I declare I cannot tell you; the one was the popular candidate, Mr. Grattan was the one taken up by the people.

6003. Do you think Mr. Grattan was supported in consequence of being in favour of a repeal of the Union, against Mr. Bligh?—I am not aware that Mr. Grattan delivered any opinion on that subject at the time.

6004. Is it or is it not your opinion generally that the people will vote as the priests direct them without inquiring into the particular political subject that they recommend to them, or that they will take their own view of the subject, and vote for the candidate according as he appears to support that view?—My opinion is, that whoever is taken up by the Roman Catholic clergy, and the popular party in the county will be voted for by the majority of the 10 *l.* electors, without their ever considering who or what they are?

6005. Or what the landlords may desire?—The landlords have nothing to do with it.

6006. You said that you believe that many of the tenants were anxious to be deprived of their elective franchise on account of the embarrassment in which they are placed on both sides?—I have heard some of them express such opinions.

6007. And that anxiety arose from the pressure of the priesthood and the agitators on the one hand, and of the landlords on the other?—Precisely so.

6008. Then the landlords do exercise some pressure?—They may. I do not know of any instance, as I have already stated.

6009. You have already stated you had never inquired into the political opinions of the lower orders, the 10 *l.* voters?—I make a rule never to interfere in subjects of the kind; to avoid asking any questions about it.

6010. Having avoided asking any questions about the feelings of the lower orders, you did not think it a part of your duty to make any inquiry into the manner in which the landlords conduct themselves towards the tenants in specific instances after an election?—No, I did not, but I think if any instance had occurred, it would have become generally known, it would have been spoken of and commented upon, and that it would scarcely have escaped my knowledge, because when a landlord behaves cruelly towards a tenant, it is generally so publicly reported, that I could scarcely fail of hearing it.

6011. Are you not aware that a landlord may harass a tenant by a variety of vexatious means, without making any exhibition of his severity, and that the misfortunes of the tenants may never meet your ears?—Such a thing may occur, but it is scarcely possible, because any thing of the kind done in Ireland is so publicly spoken of and so constantly set forth by a further appeal to the passions of the people, and as a further reason for exciting them, that it generally becomes known.

6012. Do you think if a tenant of mine had voted against my wish, and that a few weeks after I sent to him to pay me an arrear of rent, or I ordered him to be served with an ejectment, without giving any reason, you would hear of that?—I think it is probable; I only speak of the probability of it. I know many cases where men (not arising out of election reasons at all), where men have been under a heavy arrear of rent and have been put out. I generally heard an outcry among the people about it; Mr. So-and-so did so and so.

6013. Do you not recollect that the Roman Catholic Association sent down men to the county Meath for the purpose of relieving those who had been dispossessed by their landlords in consequence of their political conduct?—I do not recollect particular instances.

6014. Are there many gentlemen living round the town of Trim, in and near?—Not many; but few I should say. The immediate neighbourhood is very thinly inhabited.

6015. Are there many in the town?—Not in the town. Except the clergymen, Protestant and Roman Catholic, and Captain M———, who is a magistrate there, and some few other persons, there are no gentlemen.

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6016. The gentlemen principally supported Mr. Plunket I think at the late election, did they not; the greater number of the gentlemen?—Yes; I should say the greater number of the gentlemen did.

6017. Do those gentlemen deal with the shopkeepers in Trim?—In Trim I am happy to say we have no feeling of any kind.

6018. But in Kells?—In Kells, it is a different thing there, a great part of the gentry live about Kells; Kells is the best inhabited part of the country.

6019. And do those gentlemen deal with the shopkeepers in Kells for various articles?—I declare I cannot tell you whom they deal with.

6020. I wish to know whether you know of any instance in which gentlemen dealing with shopkeepers in Kells have thought proper to withdraw their custom from those shopkeepers, in consequence of votes given by shopkeepers at the late election?—No, I do not; but I will state this, that where exclusive dealing was resorted to, I know that gentlemen assembled at the session, a great many of them; gentlemen of all politics and shades of politics came to a resolution, that if the thing was followed up, they must in self-defence deal as much as possible with the Protestants.

6021. You received instructions from Major Miller to make an inquiry into cases of intimidation on the popular side?—I know nothing of Major Miller at all; I had nothing to do with him.

6022. Who is his inspector?—Sir John Harvey.

6023. Did Sir John Harvey write to you?—No, he sent me no instructions.

6024. Did you make any inquiry into cases of intimidation, in consequence of having received any directions from the Government, from Sir William Gosset or any other person?—No; all these instances of intimidation were sent to me. These reports were all sent to me at different times, as reports of outrages, or instances of intimidation occurring connected with the public peace in the county.

6025. Did you make any report to the gentlemen respecting the intimidation to which those documents relate?—When I got a report from the officer, I forwarded it to Government.

6026. How many reports did you forward?—I cannot say at this moment how many I forwarded; I believe you have had them all here on the table.

6027. Are you, an officer in the police, unable to tell me how many reports you forwarded to the Government, with respect to intimidation in the county of Meath?—I am able to tell you, I dare say, by looking here, every report of whatever occurred.

6028. Just tell me the number you forwarded, and show me one?—Do you mean in reference to the last election?

6029. Yes?—January 7th 1831, I forwarded a report of constable Coghlan, that was read here.

6030. Will you show me a single report that you yourself wrote to the Government?—I will.

6031. Well, show me one, because you have been examined on documents that we have not seen.—Here is one of the 23d January. Now I will show you my special reports; here is one of them: I can give you every one of them.

6032. Will you show me one of your reports to the Government?—

[*The Witness showed one to the Honourable Member.*]

6033. It begins thus,—"I have the honour to report that the election for this county has terminated in the return of Messrs. O'Connell and Grattan, by majorities of 492 and 480 over Mr. Plunket:" this report you addressed to Government: "I feel much pleasure in saying that every thing has passed off in a most peaceable manner." Now, did you make this report in consequence of having received directions to make this report?—Our directions are generally to report every thing connected with the peace of the county, and particularly at times of election to report any thing that may occur.

6034. Did you receive any specific directions?—If you will allow me, I will look; I have a copy of a letter here which is marked confidential, shall I read it?

6035. Yes, read it.—"Confidential, 10th January;" no, this is upon another subject.

6036. Does it relate to the election?—It does relate to the election, and it is a letter from myself—(I want to see the original Government communication); this is my letter to the chief constable in consequence of the Government order.

6037. If you have any communication from Government relating to matters of a confidential

confidential nature, produce them.—This is a letter of my own: "Sir,—Having received his Excellency the Lord Lieutenant's commands, to require you to be on the alert and most watchful to obtain every information in your power relating to any steps that may be taken to inflame and excite the public mind, and to intimidate electors and prevent them from voting as they please, I am again to call your attention to my letter of the 7th instant, and to request that you will be most punctual and particular in transmitting to me correct reports of all inflammatory speeches delivered in your district, and further to desire that you will direct your men to procure and send me, through you, information of all threats or illegal threatening notices that may be issued or delivered to any freeholders for the purpose of deterring them from voting as they please, also any other means, such as desiring people not to deal with them, as may be resorted to for the above purpose: it will be most desirable to obtain such information upon oath, if possible, as the Government are determined to use all legal and constitutional means to prevent dangerous excitement, and to preserve the peace of the county and the freedom of election."

6038. Now, will you show us the letter of the 7th instant?—This is a letter of my own: "Sir,—As I understand most exciting and inflammatory harangues have been made by persons in various parts of this county, I have to request that you will have policemen, on whom you can depend, in attendance at all places where the mob are addressed by itinerant orators, to take down and report the language, as well as they can, for the information of Government, and also the speaker's name:" that is my own letter. I issued that letter in consequence of being told by several gentlemen, that very many most dreadful speeches were making to the people, and I thought it was but right, if possible, to have reports of them.

6039. You mentioned that the object is to get information for Government; did you receive any communication from the Government, or from any person in the employment of the Government?—I mention here I have received his Excellency the Lord Lieutenant's commands.

6040. Where are those commands?—That was conveyed to me in what is called a schedule, not copied into the letter book but in the schedule book, which I have not with me, but it was to this effect—

6041. What date?—The 10th January.

6042. Why is it that you have not copied that?—I keep two books; I will look if I have it.—[*The Witness referred to his book.*]—I rather think the letter came in what we call a schedule, and that it is copied in the schedule book and not in the letter book, because we keep two distinct books, and keep them all separate.

6043. From whom was the letter?—I cannot say whether it was a letter from Government or a memorandum on Sir John Harvey's schedule, that is what I am looking for—I cannot at this moment see it.

6044. Your letter refers to directions from the Lord Lieutenant?—Yes; therefore it may be that Sir John Harvey issued me those orders as coming from the Lord Lieutenant.

6045. Have you a letter, I think it was of the 7th of April, from Sir William Gosset, desiring you to come over to this country and give information?—Yes, I have.

6046. Where is that letter?—I have it not here; I received a letter of that kind, precisely a copy of the one Mr. Fitzgerald received.—[*The Witness again referred to his book.*]—I have it. Here is the letter; I have found it, after some difficulty; it was not copied according to its regular date. "Dublin Castle, 9th January 1835. Sir,—I am directed by the Lord Lieutenant to inform you, that the Government, having reason to believe that most improper and dangerous means are taken in various ways to influence the public mind and intimidate the electors, are most desirous that you should continue on the alert in the exercise of your duty; that you should take all necessary steps for acquiring information on such subjects, and report regularly to the Government, who are determined to use all legal and constitutional means to prevent dangerous excitement, and to preserve the peace of the county and the freedom of election. For securing these objects, you will not fail to submit any suggestions you may deem expedient. I am, &c. William Gosset."—Directed to the stipendiary magistrates and constabulary officers. That is the only letter.

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6047. Did you receive that letter from Sir John Harvey at the same time?—No, this was the letter I received.

6048. But you appear to have written two letters, one on the 7th and the other on the 10th of January?—The one of the 7th I wrote in consequence of several gentlemen having informed me that most desperate speeches were making, and various reports were made of these speeches; I thought it my duty to have correct reports, in case I was called upon.

6049. Well now, did you send in any report, in consequence of having received that letter?—I sent in my suggestions to the Government.

6050. Where are they?—Here they are: "Sir,—With reference to your communication (this is dated the 12th of January) of the 9th instant, I have the honour to inform you, that having, in the absence of the high sheriff, and with his consent, consulted the sub-sheriff this day on the measures most necessary to be adopted to aid the civil force of this county in preserving the peace and good order throughout it at the approaching election, and also for affording the necessary protection to the electors, he has requested me to say, that such is the excitement prevalent, that he considers the following military force absolutely necessary to ensure the above objects; viz. at Trim, four companies of infantry and two strong troops of dragoons; at Navan, one company of infantry, one troop of dragoons; at Dunshaughlin, half a troop; at Kells, one company of infantry and one troop of dragoons; at Athboy, one company of infantry and one troop of dragoons. I perfectly agree with the sub-sheriff as to the necessity of at least the foregoing force being detached to this county in aid of the civil force; and, for your information, beg to inclose you a copy of the proposed distribution of the constabulary during the election, by which you will perceive care has been taken to have a chief constable and a strong party of police where military force was requested." I wrote that in consequence of being desired to submit any suggestions.

6051. But did you make any other report to the Government besides that?—None but what have been read; I forwarded the reports which the officers sent to me.

6052. But you made no report yourself?—No, none except what you have heard read, of the 23d of January.

6053. Then, in consequence of the direction of Government, you instituted a particular inquiry into the instances in which the influence of the priesthood and agitators had been exercised?—In consequence of directions from Government, I desired the officers to report to me all instances that came to their knowledge of intimidation and excitement and outrages against the public peace.

6054. But having made an inquiry into the intimidation exercised on the one side by the direction of Government, did you made inquiry into the intimidation used by landlords on the other?—I desired the officers to report every thing that came to their knowledge.

6055. Did you direct the officers under your command or control to make you a report respecting intimidation used by the lordlords?—Certainly I did not.

6056. Nor did you of the priests?—Nor of the priests; I only gave general directions.

6057. Did you intend to convey to the constables to whom you addressed your instructions, an order that they were to inquire into the extent of influence used by landlords towards their tenants?—I intended to convey this to them, that they were to report to me every circumstance that came to their knowledge connected with intimidation of any kind or sort; that was the tenor of my instructions; I think they were plain; and if I found out that an officer or constable had not done his duty, no matter on what side, he had neglected to report, I would have reported him, and would have had him dismissed.

6058. Do you mean to say, that you caused any inquiry to be made into the exercise of influence by landlords?—Upon my word, I cannot say that I caused any particular inquiry to be made into it; for I took it, as I told you before, for granted, if any thing of the kind had been done I should have heard of it; and had I heard it, I would have made it my business to inquire into it most particularly.

6059. But you gave no directions to have an official investigation upon that subject?—How could there be an official investigation into circumstances of which I had had no report? If I had heard the slightest intimation that a thing of the kind was done, I would either myself personally, or by one of my officers, have made every inquiry I could, so that you should have had the facts.

6060. Now

6060. Now, have you ever held any communication with me (Sir Henry Hardinge), on the subject of the elections, before this day in this room?—Never; I never had the pleasure of seeing you, to my knowledge, before.

6061. Have I, since you have been in London, conversed with you upon the subject?—Never; I have never spoken to any one connected with either the late or the present Government on the subject.

6062. These reports which you have made to the Government of transactions which occurred during the election, should you, in the years 1831, 1832, 1833 and 1834, equally have felt it to be your duty to have reported them to the Government of that day?—Certainly, without any instructions whatever, I would have reported just as I have done.

6063. Were your instructions in the former years of the same nature as they were in the year 1835?—Always of the same nature, to do every thing I could to preserve the peace, and report every case that came under my knowledge.

6064. You have been asked, whether you have specifically instructed your subordinates to inquire into the conduct of landlords; may I ask you, whether you would have considered it necessary to report upon the private transaction between landlord and tenant, unless some disturbance of the public peace had resulted out of it?—Not as to the private transaction between landlord and tenant; but had a case of what I call cruel interference on the part of a landlord been exercised, or any revengeful proceeding been adopted, I should have felt it my duty to make a statement of that to the Government, to show them the consequence that would result to the peace of the country.

6065. Now in the instructions you received from the Government, and in those which you conveyed to your subordinate officers, do you consider that the inquiry was limited to agitators and demagogues, or that they extended to every description of intimidation, whether practised by landlords or other individuals?—To every description of intimidation, and therefore it was I reported on what I called the improper conduct of the Orangemen during the election.

6066. Had Mr. Randal Plunket, or any other individual conducted himself in such a manner as to cause you to think that the public peace would be disturbed, would you not have considered it your duty to have reported the circumstance, just in the same manner as you reported that of the Orangemen having paraded the town of Trim?—I should not have considered myself worthy of the situation I hold if I had not reported every thing fairly that occurred, no matter from which side it proceeded.

6067. Is there any thing in the instructions you received in 1835 different from those which you were in the habit of receiving for the four preceding years?—No; I never received but one line of particular instructions from the Government, and that was, merely to have reports taken and forwarded to them.

6068. Was there any thing in the instructions in the year 1835, connected with the elections in the county of Meath, which differed from the instructions which you had previously received from other Governments?—No, not in my apprehension.

6069. Was the number of military employed then the same as it had been on previous elections, when there were contests anticipated?—No; we had a great deal more military in 1831.

6070. Under whose administration was that?—I am sure I cannot answer the question at this moment; so little do things of the kind concern me.

6071. Was it Lord Anglesey?—In 1831—I am not quite certain whether Lord Anglesey was Lord Lieutenant of Ireland or not.

6072. What government appointed you to the office?—It was Lord Wellesley appointed me in the first instance, just when I arrived from India.

6073. You say, that you and the sub-sheriff made a demand for the number of troops arrested, was that number granted to you?—No, they did not send near so many; the Government could not.

6074. What was the reason assigned?—I do not know exactly what the reason assigned to the sheriff was, for it was the sheriff who had to make all those arrangements, and he made a requisition; but I think the sheriff told me, he was informed the troops were not to be had; they were required in so many different places at the same time.

6075. Now I think you stated, that the number of troops employed in 1835, at the county of Meath election, were fewer in number than had been employed in the year 1831?—Much fewer; for we had the 70th regiment then at Trim; we had

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had the Lancers, and the Rifles were sent over specially, and Major Tandy was sent over from Kildare with a very large force.

6076. Who were the candidates in 1831?—Lord Killeen, Mr. Grattan and the Honourable Mr. Bligh, at one election.

6077. Now in that election, where the Hon. Mr. Bligh was a candidate, he was beaten, was he not?—He was.

6078. Do you recollect whether, when this large body of troops were sent, they had the support of Government or not?—Why I declare I cannot say whether Government supported him or not.

6079. The Hon. Mr. Bligh is Lord Darnley's brother, is he not?—Yes; but whether Government supported him or not I do not know; I have never received any instructions respecting it: I think that Lord Darnley was lord lieutenant of the county at that time.

6080. Did you ever hear that in the election of 1832, fifteen or sixteen men were killed, and that one man only was killed in the election in 1835; did you ever hear that comparative result as the difference between the two elections?—I think I have seen it stated somewhere, but I cannot exactly say.

6081. Now is there not considerable difficulty in procuring information of any alleged intimidation practised by priests within their chapels?—The very greatest difficulty; it is next to impossible, I should think.

6082. Did any circumstance of difficulty, as to the interference of the priests, come before you at the late election?—No, I am not aware of any: any reports that I got were of speeches made in the open streets; I do not recollect that the police ever reported any thing that occurred in a chapel, to my knowledge.

6083. What were the politics of the respective candidates at the last election?—Why, what Mr. Morgan O'Connell's may be beyond those of his father I do not know, or Mr. Grattan's, except that he stated in the House he is a Whig; I believe—I do not know what to call him exactly; but Mr. Plunket is what is called a Conservative.

6084. What are the politics of Mr. Lambert, who was a candidate?—Mr. Lambert is a Conservative.

6085. Are the others, in your opinion, speaking generally, termed the Liberals?—Some call them Liberal candidates, others Whig candidates, others may have called them Radical candidates; I cannot tell all the names that have been applied to them.

6086. Did Messrs. Plunket and Lambert or their supporters, use great exertions to procure voters for themselves at that election?—I really do not know what means they used beyond canvassing their friends; I see I have a report here, mentioning Mr. Plunket as having canvassed in Navan, I think, and having given whiskey; I will give you the report. It is simply this, that Mr. Plunket addressed a large body of the people in Navan, and that he gave them some whiskey to drink; and I think a Mr. ——— subsequently addressed them, and told them not to drink whiskey, and that they were wrong for doing it.

6087. Do you know, or have you heard the purports of the addresses on that occasion?—That is what I have been looking for.

6088. Which was the most exciting, the whiskey they had to drink, or the speeches recommending them not to drink it?—I want to get the speech if I can; the report, as well as I have it, for I am not able to speak from immediate recollection of it.

6089. Was there any thing in it that varied from other electioneering speeches particularly?—No, I do not recollect any thing at all in it very particular; there was nothing at all remarkable in the thing beyond Mr. Plunket having given some whiskey to the people to drink.

6090. Was that given to induce the people to vote for him?—I have it now: this is it: "I beg to acquaint you that about two o'clock P. M. on the 2d inst. (it is dated Navan, the 4th of January,) the Hon. Mr. Plunket arrived in this town in his carriage, which was drawn a considerable distance by the peasantry; on his arrival he addressed the people, who had congregated in consequence of a report being circulated that he was to canvass the freeholders, to whom some disappointment was exhibited by a portion of the mob. In about two hours afterwards he again addressed the people at the Bridge Inn. After that ———, who is a great agitator, who is opposed to Mr. Plunket, addressed them also on the approaching election. Mr. Plunket having ordered some whiskey to be given to the people, they became noisy after some short time, in consequence of which Mr. Hamilton called out the police and military, which he kept at the court-house for a considerable time, and afterwards

afterwards sent them back to their barracks, there being no necessity for interfering with the people. Signed, W. T. Coghlan, chief constable."

6091. Were you present at the nomination of the candidates on the hustings?—No, I was not; I was outside, I did not go in at all.

6092. Was there a printed report of the speeches that were made?—I declare I do not know whether there was or not, I never saw it if there was.

6093. Were there any election placards or squibs on the Conservative side posted?—I dare say there were hundreds on every side, mere electioneering squibs, which I never take notice of.

6094. Were they exciting?—One was, "Vote for Plunkett and Lambart, the resident landlords." I recollect that as one; but I did not think those on either side to be very exciting that were posted in the town—the printed ones.

6095. Were there any exciting speeches made by the supporters of Lambart and Plunkett?—Not publicly, that I heard; they did not make any speeches at all, I believe, publicly.

6096. What did they profess to be in their politics?—I believe Mr. Plunkett professed himself to be anxious for a settlement of the tithe question, and anxious for poor laws; and that public works should be established in Ireland, and that the tenantry and the landlords should be as they had been, hand in hand together, each man anxious for the other's interest.

6097. Is Mr. Plunkett an Orangeman?—I believe he is, but I do not know. Mr. Lambart was a mere nominal candidate; merely put forward as what we call a stalking-horse for Mr. Plunkett, and I did not hear he made any peculiar professions beyond this: "You all know, my boys, I am a resident gentleman and landlord; if you like me, you will vote for me, if not, you will not." I believe it was very short, but I was not in the court-house, and never paid attention to it.

6098. Do you mean to say, that the Catholic voters of the county Meath are favourable to Conservative politics?—Indeed, I do not mean to say any thing of the kind; but I think that very many of them would be glad to go with their landlords from the feeling of self that is in every man, his own anxiety to benefit himself.

6099. But if that feeling of self did not exist, and there was no interference on the one hand by the priests and the people, and on the other by the landlords, that they were quite free from influence on either side, which do you suppose the Catholic voters of that county would have voted for of their own free-will, for the Conservative candidates or for the popular candidates?—I could scarcely imagine such a state of things.

6100. I ask you hypothetically?—Why, hypothetically put, I am quite sure of this, that the generality of them would go with their landlords if they were allowed, if there was no intimidation publicly.

6101. Why?—Because it is their natural interest; they have been living for years under them; there was a reciprocity of feeling between them, and each was anxious for the other's benefit, and where a mutual good-will of that kind existed, I do say that I think the tenant would vote with the landlord, because eventually he would know he would receive some reciprocal benefit, owing to the mutual feeling of kindness existing between them.

6102. The question I have asked you is, if there was no such influence on either side?—I cannot imagine the possibility of such a case; but where there is neither agitation nor influence of any kind used, the tenant's natural feelings would direct him to go with the man to whom he was most under obligation.

6103. Supposing it were possible so to arrange the mode of voting, that the voter could vote in secret, and the secret could be kept, how do you think they would then vote?—I cannot suppose that, because it is impossible for secrecy to be observed when a man must tell to his Roman Catholic clergymen how he has voted.

6104. But supposing it was possible that the secret could be kept, how do you think the man would vote?—I must suppose the character of the Roman Catholic religion to be entirely changed before I could suppose that.

6105. But suppose he could vote secretly, and the secret could be kept, how do you think he would be disposed to vote?—If I could suppose how the secret could be kept, I could give you an answer.

6106. Well, then, do suppose it?—I think he would go with his landlord generally.

6107. Why do you think he would?—Because he would know whom he wished

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to return; and the landlord would know whether the body of his tenantry was going against him or not, and he would be then still dissatisfied.

6108. But you are supposing in that answer the secret would not be kept?—I take it the number of votes given against the candidate would, to a certain degree, disclose the secret, and therefore the feeling of dissatisfaction would continue.

6109. But is it impossible to give any proof to the landlord that the voter had voted in any particular way?—I am only giving an opinion, and my opinion is, that it would be impossible to prevent that kind of proof being given.

6110. Suppose no other proof could be given to the landlord than the assertion of the voter himself, how, in that case, do you think that they would vote?—Supposing the landlords to support one person, and supposing the popular party to support another person, I think the landlords would feel sore if the popular candidate was returned, although they might not know how their tenants, individually, had voted.

6111. Then it would be from the fear of their landlords being offended, you think, that even under any system of secret voting, they would vote with their landlords?—I do not say that, because I think there is a feeling inherent in the human mind, and a disposition to give and take, if I may so call it. If I received a benefit from you, I should be very glad to give you a benefit in return. If I have lived under your family 100 years, I naturally feel a tie to you; an anxiety to give you a vote, though it be against my wishes.

6112. Then you think, that that disposition to vote with the landlord would exist equally in the minds of tenants living under good landlords, as tenants living under what are called bad landlords?—No, I do not. I think if a man is injured by his landlord, that he would very likely be very well disposed to do any thing he could to disoblige him, and I should not wonder at it.

6113. Then in case of open voting, you think a man living under a bad landlord would rather induce him from influence of fear to vote along with that landlord?—I do not think either open or secret it would make the least difference, because I think he will vote whatever way he is directed by the popular party in general in Ireland.

6114. Has the intimidation you talk of in the county Meath been carried to such a degree, that the Protestant voters of the lower order have been induced to vote for the popular candidate by means of intimidation?—Some of them have; but very many of them were deterred from coming near the election, they were afraid to show their faces.

6115. Now do you not consider that the system of secret voting, by which a man would be obliged to tell a lie to conceal the mode in which he voted, would engender a system of hypocrisy and of habitual immorality, which would be in the long run extremely disgusting to the morals of the people, and make them equally unhappy persons, acting vindictively against their own mere suspicion, rather than now, when they acted against them upon the public fact of their having voted one way or the other?—I think that would be the natural consequence; I have not studied the subject at all myself, but common sense tells me that would be the consequence.

6116. Do you consider, that the state of intimidation which prevents free elections in Ireland, would be cured by secret voting?—I do not at all, as far as I have ever thought of it; though I beg to say, I have not thought much upon the subject.

6117. Do not you think secret voting would increase the priest's interest, while it diminishes the landlord's interest?—I cannot say, I have studied the subject so very little, that I cannot give an opinion.

6118. How many instances are you aware of Protestants of the lower order in the county of Meath voting for the liberal candidates against the wish of their landlords?—Indeed I cannot tell how many, or any particular instance, but I have heard that some such has been the case, and I know in some the Protestants did not come near the election at all.

6119. Have you had private communication personally with Sir John Harvey, or with any other person connected with the Government, exclusive of any reports such as you have read, or such as you may not have read, which induced you at the last election to take any steps different from those you took at preceding elections?—Certainly not.

6120. And under a different Government?—Certainly not.

6121. On

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6121. On what day did the election take place?—22d, I think, of January, or the 23d.

6122. Did you receive any instructions from Government after the election, with reference to the election?—After the election?

6123. Yes?—I believe I received some instructions from Government after the election, on the same subject, relative to reports to know of any thing further had occurred. I could tell you in a moment by referring to the book.

6124. You stated, I think, or did you state, that you thought the party of armed Orangemen from other counties and from the county Meath itself, who came to the election, was for the purpose of protecting voters?—I inquired as to what their objects were, and I understood they were to act as street agents to protect voters coming from Mr. Plunkett and Mr. Lambart's tally rooms, down to the booths to vote.

6125. Do you think it was necessary?—I have already said, I do not think it was, nor do I think it was judicious.

6126. You said you believed Mr. Plunkett was an Orangeman, do not you believe Mr. Plunkett holds a high office in the Orange body?—I do not know what the offices in the Orange body are.

6127. Are you aware, or have you heard, whether there are any Orange lodges in the county Meath?—Yes; I have heard that several lodges have been formed in it latterly, within the last three years.

6128. Were there any at the time of the election?—Prior to the election some of these Orange lodges were formed, I understand.

6129. Are you aware whether meetings of these Orange lodges took place about the time of the election; or did you hear of any orders being issued by them?—No, certainly not; they would not make me acquainted with any of their orders, or any thing belonging to them, I suppose.

6130. Did you see any account in the newspapers of any public meetings of the Orangemen, or any of their dinners in Meath?—I recollect having seen some reports of their having met at Mr. Lambart's.

6131. And at Mr. Plunkett's?—I cannot say I ever saw any report of their having met at Mr. Plunkett's.

6132. That is the county meetings at Mr. Lambart's?—I think so, but I cannot say positively.

6133. Do you consider that the establishment within the last year of Orange societies in that county originated in an offensive feeling on the part of the Orangemen, or in a defensive feeling to maintain themselves against the superiority of the Catholics?—I have myself, with some people whom I believe belong to that body, reprobated the society and begged them to give it up, and the answer to me was, what can we do, the opposite party are banded against us, and we must now unite together to defend ourselves.

6134. You have said the opposite party was banded together; do you by that term mean to infer, that there are other societies composed of Catholics, called Ribbonmen?—It is a notorious fact that there are Ribbon lodges in every part of that county.

6135. What is the nature of the Ribbon society that exists, as bearing intimidation generally upon the force which has been exerted from intimidation at elections?—The nature of the Ribbon society was, I think, better developed in 1831 than at any time I ever saw it. There was at that time an effort made to raise the people of the country—to see how soon they could be raised and organized in various parishes and different parts of the county, and at different places; there were bodies of 20,000 men assembled here this day; 20 miles off the next; 10 miles off the next. I was three days and three nights constantly employed in endeavouring to meet these bodies and to suppress them, and I did so. In one instance I took a paper from the leader of one of these bodies, which purported to be for the regulation of wages and the regulation of the price of land—every thing in fact connected with agricultural matters; there were 60 of them taken at that place, and they pleaded guilty at the next assizes, and the judge cautioned them and discharged them.

6136. Do not you consider that the same system of organization by which these bodies meet together for the purpose of coercing landlords to keep rents at a certain price, to keep to the price of labour, and for the other purposes mentioned by you; do not you consider that the same system of organization is brought to bear at elections?—I am certain it is; that it is the very same thing.

6137. Then do you consider that these Orange lodges, which you have stated have

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have increased so much since the year 1831, have been established for the purposes of counteracting the organization of the Ribbonmen, in order to enable the Protestant or Orange party to defend themselves by counter associations?—I do not know that they were exactly established for the purpose of counteracting Ribbon associations, for I do not think that the number of Protestants in the county Meath could in any way do that, but I think they were established for the purpose of making the Protestants more known to each other, and meeting more frequently that they might try to form some kind of party.

6138. And that they might try to defend themselves against any aggressions or injuries inflicted by the other party?—I cannot say that, because they are so scattered, that I do not see how they could be brought together if there were any injuries attempted.

6139. But with what view do you think those societies were formed?—For the purpose of bringing the Protestants together, making them more known, and forming a union between them which had not existed prior to that year.

6140. And of counteracting the other associations?—Certainly.

6141. Are not the priests, and the gentlemen whom you designate agitators (I do not mean to put it in an offensive way), Roman Catholics and Protestants?—The Roman Catholic gentlemen of the country are not, in my opinion, agitators.

6142. Do not the priests, and the gentlemen whom you designate agitators, use every influence they possess to induce the people to give up Ribbon and other secret associations?—Why, I do not know any gentlemen connected with what I call agitation, I mean in the higher class of gentry of the Roman Catholics; on the contrary, those whom I have the pleasure of knowing are moderate liberal-minded men, who do not at all enter into or approve of the system; with respect to the priests, I know in my own town one Roman Catholic clergyman, who, in consequence of the enormous increase of the Ribbon system within the last two months, addressed his flock from the altar, cautioning them against it, told them that he knew there were people swearing them in every day, and that he would denounce them by name if they did not give it up.

6143. Has there been an increase within the last two months?—I was not quite aware of the fact until I heard of the reverend gentleman having cautioned his flock against it, but I made inquiries, and I found almost every part of the country had been rapidly increasing.

6144. Since when?—Within the last two months; and you will conceive what it is when I tell you a fact which I had heard previously, and which was confirmed to me by a Roman Catholic clergyman within the last month, and it is this, that a man in the parish of Kildalkey, in the county Meath, who is what they call parish master, or leader of the Ribbonmen in that parish, wished to retire from his situation, but would not retire without getting a pension of 15*l.* a year; he was offered 10*l.* a year, and he would not vacate his office without a pension of 15*l.* a year; I have heard this from a Roman Catholic clergyman who happened to call upon me and mention this man's name, and I asked him was it a fact, and he said he knew it was a decided fact.

6145. But do you not believe that the priests and the liberal gentlemen use every influence they can to put down those secret Ribbon societies?—I declare I believe they do, as far as I know.

6146. Are not very often the efforts of these Ribbonmen directed against the property of Catholic gentlemen as well as against the property of Protestants?—Certainly.

6147. And therefore it is the interest of the gentry of the country, as well as of the priests, to put down these improper societies?—Certainly, and it was not alone the Protestant gentry but the Roman Catholic, who suffered at the late election; for instance, Mr. ———, in consequence of his refusing to vote for the popular Members at the last election (he is a miller), his flour was returned from, I think, the counties of Kildare, Westmeath and Longford, and his bread was sent back to his baker; he is a Roman Catholic, and a liberal-minded man; he did not choose to vote at all.

Jovis, 2° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Gerald Fitzgerald, Esq., called in; and further Examined.

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6148. HAVE the goodness to name any inhabitant of Cashel who you will say gave a pledge to vote for Mr. Pennefather and falsified his pledge?—Of my own knowledge I can tell nothing, all I relate with reference to the election at Cashel was communicated to me in a letter from Mr. Thomas Pennefather, the original of which I hold in my hand, and which has been given in in evidence.

6149. Who is Mr. Thomas Pennefather?—The conducting agent of the candidate.

6150. Can you mention any instance in which a Roman Catholic clergyman compelled an elector to falsify his pledge?—I think I have already answered that question by saying that I do not know any instance of any kind of my own knowledge, I did not mix myself up with the election, and do not know of any.

6151. Will you give the name of any elector and clergyman so circumstanced?—I was told by Sir John Fitzgerald, who is a brother-in-law to the candidate, and by several other individuals, that a great mass of the tenants on the commons of Cashel, who are tenants to Mr. William Pennefather, had promised him distinctly, and had falsified that promise in consequence of the influence used over them by the Reverend Mr. ——— and his coadjutors; I am unable to name any of those tenants, I am not acquainted with them.

6152. Nor do you know the fact of your own knowledge?—I do not.

6153. Did you take any part in that election?—No further than giving a vote.

6154. For whom did you vote?—I voted the last, or last but one, for Mr. Pennefather; I was there in my public capacity as a magistrate, in aid of the mayor of the town, to preserve the peace. I reside in Cashel, and, in consequence, have a vote.

6155. Did you endeavour to prevent the people illuminating when the election was over?—No, I recollect a conversation occurring in the assessor's room at the close of the election; it was intimated to me that bonfires and other demonstrations were likely to take place; I remember Mr. Serjeant Perrin was standing by at the time, and I addressed myself to him, and suggested that I hoped bonfires or other demonstrations of that kind, that would tend to a breach of the peace, would not take place; that I was perfectly aware I had no power to prevent illuminations, as individuals might put lights in their windows, and I could not prevent it; but as bonfires were a public nuisance, prohibited by a particular statute, as such I thought that I could prevent them, and I hoped they would not be used. Mr. Perrin appeared to coincide with me at the time.

6156. Did you endeavour to prevent illuminations?—Not in the least.

6157. Did any breach of the peace occur during the election?—There was a trifling instance, but a very trifling instance; I stated, I think, in my previous examination, that the whole election passed over with the greatest possible good humour; there was one trifling instance, a Mr. ———, an elector, was struck after he had voted, and I found it necessary to bring the troops from the barracks, and put them in the gaol part of the court-house out of observation, just to have them at hand; but with that exception I think the entire election passed over with the greatest possible tranquillity.

6158. Was not Mr. Thomas Pennefather, from whom you received that letter, a most decided partisan at that election?—He was very anxious, decidedly, for the success of Mr. Pennefather, he was his conducting agent.

6159. Did he not threaten several of the tenants in order to dissuade them from voting for Perrin, and to induce them to vote for Mr. Pennefather?—I do not know.

6160. Did you not hear it?—I did not; I make no doubt that he used every influence in his power to prevail upon the tenants to vote for Mr. Pennefather.

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6161. There were several of the tenants on commons respectable and wealthy individuals?—Some of them are snug farmers, others are not.

6162. Some of them are respectable?—Some are what we call in our country snug farmers, farming perhaps from five to 15 acres.

6163. You stated in your evidence that all the respectable people of the town, and the gentlemen, voted for Mr. Pennefather?—No, I did not; Mr. Pennefather's letter states that a great proportion promised to vote for him, or did vote for him, I am not precisely certain which, but the letter is here; but I gave myself no opinion upon that point; here is the passage in Mr. Pennefather's letter: "Almost all of the respectable inhabitants of the city, and those commons tenants, pledged themselves to support Mr. Pennefather upon the election, and had the latter fulfilled their promises, he would undoubtedly have been returned by a respectable majority;" that is Mr. Pennefather's opinion; I gave none upon the subject.

6164. With regard to some of those gentlemen who did vote for Mr. Perrin, is not Mr. ———, the distiller, a man of wealth, intelligence and respectability?—Certainly.

6165. Is he a repealer?—I declare I do not know; men change their minds so suddenly upon those points.

6166. Did not Mr. ——— vote for Mr. Perrin?—I believe he did.

6167. Is not he one of the wealthiest men in Cashel?—He is a very respectable man, supposed to be a man of wealth.

6168. Did not a great body of the respectable shopkeepers in Cashel support Mr. Perrin?—Yes.

6169. Did not Mr. ——— and Mr. ———?—They did.

6170. Are not they respectable men?—Very much so, and, as well as I remember, they voted for Mr. Serjeant Perrin.

6171. Is Mr. ——— a respectable man?—I would not class him with the others.

6172. Is not Mr. ——— a respectable man?—I do not know Mr. ———.

6173. Is Mr. ——— a respectable man?—Yes.

6174. Mr. ———?—I know him.

6175. Did not a great many of the respectable shopkeepers of the town vote for Mr. Perrin?—A great number of the respectable shopkeepers of the town voted for Mr. Perrin; I have been informed that several of those who did vote for him had promised to vote for Mr. Pennefather.

6176. But you do not know that?—I do not.

6177. A great many of them?—I will not say a great many of them, some of them; I think I heard of ———, a baker.

6178. It is mentioned in the letter of Mr. Pennefather that Mr. Perrin was brought into the town by Mr. M'Donnel, the parish priest, on New-year's day, do you mean to say that the parish priest came into the town with Mr. Perrin on that day?—I did not see the procession, therefore I cannot answer the question; I was in Cashel at the time; I heard a great deal of shouting at the upper end of the town, and I knew that the procession had arrived in the town upon that occasion, but who accompanied it, or who were the individuals forming the head or tail of it, I cannot say.

6179. Have you not heard that the parish priest did not come in with Mr. Perrin?—I never did.

6180. You know nothing of that circumstance but from hearsay?—Of my own knowledge I know nothing of it, further than having heard the noise and shouting.

6181. Do you find any statement in the letter of Mr. Pennefather about the priest's declarations?—Yes. "In the priest's visits to the commons, and his interviews with the tenants, he threatened them with a deprivation of the rites of their religion," I take the word to be; it is torn off from the letter, but from my recollection of the words when perfect, I should say it is religion or church; "that he would melt them off the face of the earth; that he would put the sickness on them; that they should not dare to vote"—there is some word here which I cannot make out, it is torn out—"but as he, the priest, liked; that if they did, the grass should grow at their doors, wiping his boots there at the time."

6182. You find that passage in a letter from Mr. Thomas Pennefather to you?—Yes.

6183. Do you mean to say that Dr. ———, the parish priest, used such expressions

expressions as those?—I do not mean to say that, for I did not hear him utter the words.

6184. From what you know of that parish priest, do you believe he made use of such expressions?—From what I know of that parish priest, I do think him capable of making use of those expressions, and I speak with reference to what I know of the gentleman himself; others have used expressions as strong.

6185. You believe he did use those expressions?—As to my having belief upon the question, I cannot say one way or the other.

6186. Did you see any priest bring voters to the hustings?—I saw a number of priests; some of them from remote parishes; some of them at such a distance as ———, which is 17 or 18 miles, in constant attendance during the election, very busy about the court-house, and the place where the polling took place.

6187. Did you see them bring any voters up?—I did not see them bring them up; they were brought up by individuals of the committee, I take for granted; but the priests were moving about in all directions.

6188. They were there?—Yes; some standing at the entrance of the court-house; some close to the table; some close to the polling-place.

6189. Were there not many persons of the other party doing exactly the same?—I saw no clergyman there but Roman Catholic.

6190. Were there not persons of the other party present?—Yes, the great mass of the inhabitants were present, certainly.

6191. Do you mean to say that a priest was present at the hustings while the votes were taken?—The place where the votes were taken was the court-house; the officers receiving the votes sat where the chairman at the quarter sessions sits, and the electors came upon the table and gave their votes, the agents being on each side, and a great mass in the galleries and corridors on each side.

6192. Did you see the priests taking an active part while the voters were voting in the court-house?—I cannot call to my recollection that I saw any priest take an active part when any voter was tendering his vote; I saw no direct interference, if that is the bearing of the question.

6193. Was any priest you saw there as any other spectator?—Yes, I think very much so; there was one instance occurred in which the priest exerted himself very laudably there; I think he was the Roman Catholic curate of the parish of Cashel, just at the period that the breach of the peace occurred which I mentioned; he exerted himself in co-operation with me, to disperse the people and make them go home.

6194. Do you think that, in case of any breach of the peace occurring, the priest or priests would not be of very great assistance to the civil or military power in quelling a disturbance?—Generally speaking, unquestionably so; on that occasion I felt that they would give me every co-operation; their influence, generally speaking, is very powerful, if it is exerted in aid of the civil power.

6195. You have mentioned a ———, did not Mr. W. ——— and T. ——— cease to deal with him, because he voted for Mr. Perrin?—I think I have heard so.

6196. Have you any doubt about it?—I really cannot tell; with respect to Mr. Thomas Pennefather, the impression upon my mind is that I heard it, and that I have no doubt of the fact. I dealt myself with the same baker, and continue to deal with him.

6197. Did not Mr. ———, the agent of Mr. Pennefather, put aside the two clerks during the election, because they voted for Mr. Perrin?—I never heard that.

6198. Did not Mr. Pennefather distrain several of his tenants, because they voted for Mr. Perrin?—I have no doubt of it; he applied to me to give him the aid of the civil force to protect him in doing so; I referred him to the Government.

6199. What is meant by putting the sickness upon them, according to your idea?—It is a metaphorical way the Irish have of expressing any contagious or prevalent disease of the time, such as cholera or typhus fever.

6200. You say you were told by Sir John Fitzgerald, and many other gentlemen, that the tenants of Mr. Pennefather had promised to vote for him, and falsified those promises in consequence of the influence exercised over them by the Rev. Mr. ———; do you think that Sir John Fitzgerald, and those other gentlemen who told you this fact, are persons worthy of credit?—I never had the slightest idea of doubting the information; it came to me from so many quarters I could not disbelieve it.

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6201. You say you consider that the parish priest, Mr. ———, in your opinion, is capable of making use of the expressions which have been attributed to him; and you were about to add that other priests have used other expressions as strong; was that your meaning?—Yes.

6202. You say you saw a number of priests who came in from remote districts, and one who came from as far as 17 miles off, from ——— ; what might be the number of priests you saw in Cashel upon that occasion?—It would be very hard for me to fix the number, they were not all collected at the same time; but from my knowledge of the country, I did recognize the faces of individuals coming from various quarters.

6203. How many do you suppose?—Eight or ten, perhaps; perhaps more, perhaps less.

6204. Were they active and bustling in their conduct as agents?—No; it did not appear to me they acted as agents, but that they were standing by as lookers-on.

6205. You say that those priests who interfered in putting down any thing like disturbance on one occasion, supposing that the election had been going against the popular candidate, and in favour of Mr. Pennefather, do you imagine you should have had that assistance as strenuously, when things were going adversely to their interests, as when they were going in their favour?—I think that, as to preserving the peace, I probably would have had the co-operation of the —— Roman Catholic clergy as strenuously as if the matter had been otherwise. I cannot answer for the other clergymen whom I do not know, but I do conceive that, if the result of the election was likely to be otherwise, they would be more busily employed in support of the person whose interest brought them to that election, as they were at other places.

6206. Do you believe that the election would have gone off as peaceably and quietly as it did, if the election had been going against Serjeant Perrin?—I do not, indeed.

6207. You are of opinion, that the quiet and peaceable course in which the election in Ireland goes on, very much depends upon the position in which the respective candidates are during the election?—I am very much so.

6208. If they were running neck and neck, or there was an advantage in favour of the unpopular candidate, do you think that state of things would have existed in Cashel?—I have no doubt it would not, but that the Roman Catholic clergy would have exerted themselves as much as possible to procure votes for their favourite candidate.

6209. Then their quiescence is more to be attributed to the evident success attending Mr. Perrin, than to any habitual forbearance on their part?—I do think so, and I speak from analogy; from the proceedings at other elections.

6210. Do you think that, if the election had been going unfavourably to the popular candidate, the priests would have exerted themselves to create tumult?—No, I do not mean to convey that impression.

6211. Do not you think, if the election had been going differently towards its conclusion, the priests were on the spot to take a more determined and active part against that candidate?—I do not mean to say that they were there for that purpose, but I am sure that, being there, they would have exerted themselves very actively.

6212. You were understood to say, that even if the election had been going against the popular candidate, you would have relied upon the priest with whom you are more immediately connected, for their efforts to preserve the public peace?—I think the Roman Catholic curate, Mr. Cumming, would have given me every assistance; I do not remember seeing the parish priest, Mr. ———, at all during the election; at the hustings, I mean.

6213. As far as you know of the Catholic priests, their exertions at elections are not directed to tumult, disturbance or breaches of the peace, but merely to influence the inclinations of the electors?—I should be very unwilling to form so uncharitable an opinion of a Christian clergyman as to say he would be a person to foment disturbance.

6214. You say that the priests of Cashel would do every thing in their power to keep the peace?—I do.

6215. Are you not of opinion, that if it were necessary to carry a favourite political object, such as the return of the popular candidate, the priests would exercise their influence by every description of interference, or at least many sorts of

of interference, to induce the voters to vote according to their wishes rather than their own?—I do; and things have occurred of that nature, as I have been informed at ———, where the Rev. Mr. ——— did accompany a mob to the house of Mr. ———, in the Irish town of ———, which mob had very nearly proceeded to acts of violence.

6216. Did you not state in reference to that very case, that when it was apprehended violence would ensue, the priest took the mob away?—I stated that in reference to another transaction.

6217. Did any violence ensue?—Not that I ever heard of.

6218. You stated that there were a great many shopkeepers in the town that voted differently from what they had promised?—I have heard that stated.

6219. Did you hear of any intimidation or threats held out to induce them to support the party for whom the priests derived their vote?—I did hear that the priests had declared with respect to ———, and another, I think, of the name of ———, that a cross should be placed opposite their doors, and that neither of them should sell a bit of bread.

6220. Do you not suppose that most of those changed their intentions from intimidation?—I have no doubt of it.

6221. What description of intimidation were they in fear of, according to your idea?—The threats I heard held out were that no person should deal with them.

6222. Or hold intercourse with them?—I did not hear that it went to that extent.

6223. You have stated that you heard from Sir John Fitzgerald that the commoners had promised Mr. Pennefather first to vote for him?—He told me he had accompanied Mr. Pennefather himself on two or three successive days, and that in his presence the commons tenants had promised to vote for their landlord's brother.

6224. You have said that with regard to Mr. ——— using those expressions, you think him capable of it, and you said also there were many other priests that used similar expressions, is that only from hearsay or your own knowledge?—I have sworn informations of the fact.

6225. Of similar expressions?—Not in reference to elections, but similar expressions in reference to other matters.

6226. Was there any endeavour to follow up those informations by any prosecution?—It does not appear to me that they were indictable, or that any legal proceedings could be taken upon them.

6227. Then why were the informations sworn?—I heard that such matters had occurred; I sent for the persons, I examined them upon oath, and I took down their depositions, and made them sign them, in order to enable me to take the opinion of better heads than my own as to whether any proceedings could be instituted upon them.

6228. And you were informed they were not illegal?—There is one case which I did transmit to Government, which occurred two years or two years and a half ago; another occurred within the last month, which I also transmitted, but I am sure it is not indictable.

6229. Do you believe there are other instances of priests who have used similar language?—Yes, I have heard of other instances.

6230. Are those other instances to which you refer upon sworn depositions of the fact?—Yes.

6231. Are they of such notoriety that they are generally believed in the county where they took place?—Yes, they are.

6232. Have you any doubt, in your own mind, of the accuracy of those statements?—I have none on earth; in fact I could mention many others.

6233. Would you have reported those circumstances to the Government if you had doubted them?—No; I was so perfectly impressed with the truth of them, I reported them to have the directions of the Government, whether any thing should be done upon them.

6234. Do those other instances to which you have referred, and which you state you believe to be the truth, relate to priest ———, or to other individual priests?—The two occurrences to which I particularly refer, relate to other individuals, and not to ———.

6235. You speak from the authority of sworn informations, but in cases where no prosecution was instituted?—Just so.

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6236. Why did no prosecutions follow in those cases?—I cannot say; I suppose there were no grounds for prosecution.

6237. When you say there were no grounds for prosecution, do you mean to say that there was no truth in the depositions?—No; what I mean to say is, there were no legal grounds.

6238. You have been well acquainted with the town of Clonmel for many years?—I have.

6239. You are a native of Clonmel?—I have lived several years in Clonmel; I am not a native of it.

6240. Did you attend the Clonmel election in 1832?—I did.

6241. Were you cognizant of the circumstances which took place at that election?—I was; I attended that election in my official capacity.

6242. Do you know of any restraint having been put on any persons in the interest of either of the candidates before they were polled?—I do not, indeed.

6243. Did you ever hear of that?—No, I cannot say that I have; my business was merely to preserve the peace.

6244. Do you know of any bribery being complained of at the election of 1832?—The only instance I heard complained of was a case tried at the last assizes of Clonmel, in the shape of an action, I think, brought against a Mr. Labort, an attorney, for bribery, on the part of Mr. Bagwell, in which there was a verdict for the defendant.

6245. You have never heard of any instance of bribery, except in the single case to which you have already adverted?—There is a man of the name of ———, a ———, in Clonmel, who always previously had voted with the popular interest on the last occasion he voted against Mr. Ronayne, and there is a rumour in Clonmel that he has been bribed to do so; but that is all I know of it.

6246. Do not you believe, that at the election before the last, money was liberally applied?—Upon my word, I do not, nor at the last; I believe there was very little money going on either side.

The Rev. *Malachi Duggan*, again called in; and further Examined.

The Rev. *Malachi Duggan*.

6247. YOU have been examined as to the influence used by Catholic clergymen at elections; is it, as far as you understand it, that it is in his spiritual or in his temporal capacity, that the clergyman exercises his influence at an election?—In his temporal capacity, as a civilian.

6248. You have yourself interfered, upon one occasion, in election matters, among your own flock?—I have.

6249. Did you, on that occasion, ever threaten voters with a deprivation of the rites of the church, or insinuate to them that a deprivation of the rites of the church would be the consequence, if they voted in a manner which you deemed not consistent with the interests of their country and their religion?—I never did, because I could not act in that manner, as I conceived that my acting to promote the good of the people was of a temporal nature, and that in my spiritual capacity I could not take notice of their political conduct; I would not be allowed by my superiors, even if I was inclined to deprive them of their spiritual rites, to withhold them from those persons.

6250. Are the Committee to understand that it is your opinion, that if you had deprived, or threatened to deprive, any of your flock of the rites of the church, you would have incurred the displeasure of your superiors?—I certainly am of that opinion.

6251. Do you believe that that is generally understood amongst your brethren, the Roman Catholic clergy of Ireland?—It is understood by the priests with whom I have acquaintance, and I know in the province of Munster about 100 priests; they cannot hold out any spiritual threats, or withhold the rites of their religion, from any person who may vote against the popular cause.

6252. Does this impression, which you say exists in your mind, and in the minds of those clergymen with whom you are acquainted, arise out of any general instructions given you by any superior?—Not from any general instructions given me by my superiors, but I conceive it to be my duty not to mix spirituals and temporals; and when I co-operate with the people to remove an evil, either political or civil, I act in my capacity as a civilian, not in my capacity as a clergyman.

6253. Do you conceive that you would be entitled to demand from any of your flock,

flock, when in confession, any disclosure of their political views?—I would not be warranted; I am not allowed even to ask the name of the penitent, or his place of residence; I am not allowed to ask any thing but his sins.

6254. Supposing one of your flock to inform you, during confession, of his political views or intentions, or of any of his past political acts, should you feel yourself justified in revealing it?—I could not reveal it.

6255. In your apprehension, would those clergymen with whom you are acquainted give the same answers to the two questions just put to you?—I am certain they would.

6256. Would not every clergyman of your persuasion, if sitting in the same chair in which you now sit, give the same answers you have done; would he not be bound in duty to give them?—Yes, I think he would be bound, according to the line of duty prescribed for him as a Catholic clergyman, to give the same answers.

6257. Do you mean by your answer to convey, that a clergyman of the Catholic church, placed as you are as a witness before a Committee, would be bound to give such answer as you have given, whether it be true or false?—If it were false, he would not.

6258. You did not mean to convey that?—No.

6259. Do you not mean to say that it would be the duty of a Catholic clergyman to act in the manner you have stated in your answers to the two questions put to you?—I think he would be bound to act in the manner I have stated.

6260. On the last occasion of your examination a case was read to you, in which a clergyman had in politics interfered, by exciting his congregation, from the pulpit, in a sermon against the police; and that he had for that offence been suspended by the Catholic bishop of the diocese; you say you would not have so acted under similar circumstances; but if others have so acted, as in the case stated, do you not consider that it is perfectly possible to have a code laid down of what a priest ought to do, and that an individual will sometimes deviate from that course?—I have not stated on the last day of examination that my bishop suspended any priest, but I stated in my last examination that a priest, who went against the popular feeling in 1828, was turned out of his parish by his flock, and that his bishop was obliged to substitute another in his place. Then I come to the second part of the question, the duties of the Catholic priesthood as regarding the tribunal of confession are laid down; from this line of duty they cannot deviate without incurring great guilt; as for any particular code being laid down for any particular priest, there is none; it is the general practice of the church which is followed, and it is that which guides the Catholic priesthood in the discharge of their duty.

6261. On the former occasion you stated in support of what you now say, that you considered the exigency of the case, in the judgment of the individual priest, would justify him in interfering from within his chapel during or after divine service, according to his view of what was necessary to be done at the moment?—I have stated that if the exigency of the case was of the same importance with Catholic emancipation, he would be bound to speak to his people; but I at the same time did not conceive that at the period Catholic emancipation was under consideration, that the tithe question was of the same importance with it at that moment; but from the horrors which have followed this system for the last few years, I think it is paramount in importance to Catholic emancipation, inasmuch as the tranquillity of the country and the promotion of morality and religion in general depend upon the settlement of this question.

6262. You stated that you yourself had, after divine service, harangued your congregation in favour of Mr. O'Connell and against Lord Fitzgerald in 1828, because you thought that the promotion of Mr. O'Connell's election would ensure Catholic emancipation; that being your individual opinion, were you permitted by the practice of your church to make harangues to that end upon any political subject within your chapel?—I was not prohibited by any positive injunction from my superiors.

6263. You were asked whether you had seen a pastoral letter issued in 1830 by the Roman Catholic bishops, calling on the clergy and laity, on no account, to allow their chapels to be made use of for any political or temporal purposes, but to be limited and strictly confined to the spiritual duties of their calling?—I did see that.

6264. On the former occasion you did not so clearly depose to having seen it?—

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The question alluded to another document, which went to state that an agreement had been entered into between the Catholic hierarchy and the people of Ireland and the Government, that if Catholic emancipation was granted, they would not interfere with politics any more; that stipulation, I stated in the last day's evidence, I had no knowledge of till within this year, when a gentleman in this city, a Mr. Macdonald, brought it before the public.

6265. The pastoral letter of the bishops which you have seen after Catholic emancipation had been carried, restricted you as a clergyman, from using your chapel for any but spiritual purposes; should you consider yourself on the question of tithes justified in appealing to your people in your chapel in favour of the abolition of tithes?—I think I would be justified.

6266. This day and on the last occasion, you consider that every Catholic clergyman has an individual judgment and discretion, which he is permitted to exercise on all occasions and in every circumstance, except as regards confession, where you are limited and tied down by strict rules, but that within your chapels you are justified in acting on political matters according to your judgment?—We have no other place to speak to the people in case of emergencies but the chapels; and it is my practice and the practice of the clergymen of the county of Clare, not to mingle those political addresses with the divine service, only whenever the people are spoken to, and are told that such and such a thing is to be done for the removal of such and such a grievance: all the addresses, as far as I am acquainted with the politics used by the Roman Catholic clergy, tend to elect fit and proper persons of the liberal party to represent the people in Parliament: this is the sum total of the addresses in general.

6267. If it were to be shown to you by sworn depositions that such was not the fact, that their harangues are not limited to the mere recommendation of supporting a Liberal candidate, but that they go into details by threatenings and denunciations against those who oppose the Liberal candidate; should you think a clergyman justified at the close of divine service, or just coming from the pulpit or the altar, to address the people in that manner?—I would not think the conduct of the clergyman justifiable who would descend to personalities, and point out any one person to popular indignation. I am not acquainted in general with other parts of Ireland, I speak only of the district with which I am acquainted, and therefore I must confine my evidence to that district; it is not the conduct of any of those priests who would take a leading part in elections to point out with acrimony any persons by name, but to go upon the broad principle of recommending to the people at large to send to Parliament fit and proper and liberal men to advocate their cause.

6268. Did you not, when in 1828 you harangued your congregation in your chapel, by name recommend Mr. O'Connell as against Lord Fitzgerald?—I did not; I told the people that Daniel O'Connell was to offer himself for the county, and at the moment I spoke it appeared to me a chimerical project; I did not tell the people to vote for this or that person, or against Lord Fitzgerald, but against the system, which was the prolific source of discontent to them; we were very sorry Lord Fitzgerald was the victim, but being connected with a Government upon whom we looked as hostile to our country, and as Lord Fitzgerald formed a part of that Government, we felt it our duty, not from any personal hostility (for we all liked the man) to vote against him, and to endeavour to promote the good of Ireland by carrying Catholic emancipation; to show the Committee that we did not vote from any hostile principles, the next election after Catholic emancipation was obtained, there was a meeting of the Roman Catholic clergy and some of the respectable laity, held in the town of Ennis, to call for Lord Fitzgerald to stand for the county.

6269. D'd you not know in 1828, that Lord Fitzgerald had always advocated in Parliament Catholic emancipation at the time you recommended another person to your flock?—I will answer that in this manner: Lord Fitzgerald voted, it is true, for Catholic emancipation, but he voted with the Government on other measures, which counteracted the popular vote he gave in favour of the popular question.

6270. How did that counteract it?—In the way we pull down with one hand what we build with another; he voted with the Government on the East Retford Bill, and this irritated the people of Ireland against him.

6271 Were you educated at Maynooth?—I was.

6272. How

6272. How long did your education continue at Maynooth?—Four years and a half.

6273. Do you consider that no cause whatever would justify you in making use of other than your civil influence to induce persons to vote as you think fit, whoever the candidate may be, and however he may vote on religious subjects? Suppose a candidate came forward to vote against Maynooth, and against matters you consider important to your religion, are you not authorized to make use of any thing further than your civil influence against that candidate?—I am convinced that I could not be authorized to use any spiritual authority in my interference, but merely civil influence, and that I should overstep the limits of my duty if I did.

6274. In the harangues from the pulpit or the altar, are you of opinion they have no greater effect upon the people than if they were addressed in the field, and by a private individual?—They have no more effect in the chapel than in the field; I myself was called upon to speak to a congregation of about 15,000 persons in the town of Ennis, at the election of 1828, and I thought my words had more influence upon that congregation than they had on my own flock in my chapel upon the same occasion.

6275. It is its coming from the clergyman which has the effect?—Yes; the people look upon the clergyman as being better acquainted with their condition than any other man.

6276. Have you never heard of threats, or denouncing a person for voting, as it was called, against his religion?—I have often heard from others that the priests in other parts of the country have threatened to denounce them; but I beg to say, that it is a common practice in Ireland for the lower orders who are about a landlord or a magistrate, or any man in power, to tell those respective persons that the priest used such and such language on such a day, that he threatened vengeance against the people if they did not vote for such a person, and that he threatened vengeance against the opposite party; they use this language principally with the landlord when he calls for his rent, as an apology for their conduct in voting against his wish, and to throw the blame on the priest, who is out of the power of the landlord.

6277. You have stated to the Committee, that you are anxious to speak to this Committee as if you were upon your oath?—Certainly.

6278. Is it your belief that it is not the fact that the priests are in the habit of denouncing those persons who vote against their wishes, and that this conduct on the part of the priests is followed by ruinous consequences to those persons?—I never heard in my own county that any priest denounced one for voting for a particular party.

6279. Or that ruinous consequences have followed?—Yes; the priest has no power to inflict punishment upon persons for voting against his wishes, but the landlord has it in his power; the Roman Catholic clergyman cannot turn out a tenant; he cannot even (if he is a man of any sense) abuse a freeholder, after exercising his privilege at an election.

6280. Do you know of instances in which the power of the landlord you refer to has been exercised?—I do. The last day I did not recollect the public instances I have seen of persecution; after the election of 1828, the following year, and at the end of that year, I saw the cattle of a whole estate carried into the town of Kilrush, to be sold off by auction; the people were so alarmed at this sweeping conduct of the agent, that they devised every means to protect themselves, and to further this object they appointed a counter auctioneer in the town, who, at the sale and on the second bidding, offered double or treble the value of the cattle, and by his so doing he frustrated the sale, for the people discovered that three biddings were necessary to constitute a legal sale. I saw in a pound, convenient to my own residence, the cattle of an entire estate driven; and the tenantry resorted to another extraordinary measure; they collected all the unstamped receipts that the agent gave for the last twelve months, and when he threatened to sell their cattle, they threatened in turn to send these up to the stamp-office in Dublin, in order to fine him. I have another melancholy fact to relate, which occurred within the last two months: a widow in the county of Clare, holding a farm of 45 acres of land for the last 26 years, although she paid up the rent the last May-day and did not owe a penny arrear, was turned out with eight children on the world by the landlord, because, at the last election, her brother voted for the liberal candidate; some gentleman of the neighbourhood interfered for her; the parish priest and

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and another gentleman particularly begged of the landlord to leave her the house and the grass of a cow for 12 months, but to no effect.

6281. How do you connect the two instances of cattle being put up to auction with any motive on the part of the landlord, connected with the votes of the tenantry?—The tenantry all voted for Mr. O'Connell; the landlord was a particular friend of Lord Fitzgerald, the brother of the landlord was his agent; if the Committee wish I will give the names.

6282. On the last day you were asked this question, whether you knew of any cases of interference; you have now stated a very strong instance of a widow with eight children having been turned out of her farm, because her brother voted for the popular candidate, and you have stated other instances, which prove that your memory has been very much refreshed since you were last here; have you had any conversation upon these subjects with any individual now in this room?—Upon my word I have not; I saw a letter, stating this case of the widow, about 12 days ago, and I saw a second letter this day; the other cases came under my cognizance in the years 1828 and 1829.

6283. Owing to the letter you received this day, your memory has been refreshed?—I knew the fact before, and I was going to state it to the Committee the last day, but I did not know the line of examination that would be adopted by the Committee, as it appeared by the paper on the door it was on bribery; and I felt a little embarrassed when the question was put, but the same time I had the cases in my mind.

6284. Have you any other instances to state, in which, since the election in January 1835, any of the landlords have punished their tenants for voting against their wishes?—I do not bring any other to my memory, I never kept data of these things.

6285. Do you know any other case excepting that of the widow, which occurred during the last election?—I am living in so remote a district in the western extremity of the county, where there are no gentry, that I cannot be acquainted with the names of the persons who persecuted their tenants.

6286. The last day, in reply to a question as to the effect of the landlord's conduct, you said, ejectments and vast misery had taken place among the people, can you confirm that statement by other instances? you said, that the face of the country was ruined, it was a scene of perfect misery from the cruelty of the landlords, in consequence of the tenant's pursuing their wishes?—I stated, the last day, that there was a general determination on the part of landlords to punish and turn out their tenants after the year 1828, but that the offenders were so numerous and so general that they found they should exterminate nearly the entire of the country; therefore the instances of ejectment after the election of 1828, so far as I know in my part of the country, were few in number; but the rigour with which they were treated, and with which rent was demanded, was that which principally constituted the persecution in my part of the country.

6287. You attribute the landlord's not pursuing this rigorous course to the impossibility of doing it?—I am sure of it, but from my limited acquaintance with the eastern part of the county, I cannot give a satisfactory answer upon this point.

6288. In the part of the county with which you are acquainted, was the impossibility of such a course a sufficient reason, in your opinion, for its not being adopted?—The difficulty was so great, that it became impossible to adopt it.

6289. Did the difficulty arise from the great number of instances?—From the great number of political offenders.

6290. Do you know of any instance in which customers have withdrawn their custom from voters in the part of Ireland in which you live, in consequence of the manner in which they voted at any election?—I have known no instance.

6291. Was the widow turned out without notice, in the case you have referred to?—She was.

6292. Was there no one there to espouse her cause?—I know not.

6293. She was entitled to six months' notice, was not she?—So I apprehend.

6294. Was she turned out without that?—So the letter stated.

6295. The widow, being protected by the priest, could this act, contrary to law, have been perpetrated with impunity?—I am not versed in the law, but if she was turned out without previous notice, I think he who did so subjects himself to the penalty of the law.

6296. Can you read to the Committee the letter you have received?—I have not it with me.

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6297. Coming to this Committee to state instances of intimidation on the part of landlords, which is part of the business of the Committee, and having received this letter this morning, did you not feel it natural to bring the letter with you?—I am totally unacquainted with the widow and the parties, except the writer of the letter and the gentleman to whom directed.

6298. The letter was not directed to you?—It was not; the brother of the widow lived in the town; she lived in the country; and for her brother voting in the town for the liberal candidate, she was turned out.

6299. Are the Committee to understand you are not prepared to support your statement as to the oppression of landlords by more than the instances you have given them?—I have not taken down on paper every act of oppression that occurred since 1828; but if acts of oppression, on the part of landlords towards their tenants are to be gone into, I could state many that perhaps would not get credit from the Committee, and it may be irrelevant to the matter here.

6300. Does that arise out of elections?—No.

6301. On the late occasion, when you appeared before this Committee, you did not know one case of intimidation you could state to the Committee, and on the present occasion you have stated two cases which occurred in 1828, and subsequently one case of the widow in 1835, and those are the only cases of oppression on the part of landlords, arising out of elections since 1828, which you can now state to the Committee?—I stated before, that I did not well know the line of examination which would be pursued, consequently I had not my mind prepared; the case of the widow struck me on the last day, and the case of the tenant whose turbary was invaded by the landlord after the election of 1835; the others are the cases which occurred after 1828.

6302. The landlords in Ireland are in the habit of oppressing their tenants, independent of the election?—They are.

6303. Generally?—The landlords in my parish are as good landlords as can be, with very few exceptions.

6304. Is there any understanding on the part of the tenants, that they are expected to vote at elections according to the wishes of their landlords?—There is; and a general understanding among the people at large that the freeholders will make a due use of their freehold at the election, and they are spurred on by the people to this exercise of their franchise; the 10*l.* freeholders, as a body, are as intelligent as any other class of the community; some would feel indignant, if any gentleman came to dictate to them at the approach of an election.

6305. You mean, that they resist any such influence on the part of the landlords, if there is any attempt on the part of the landlords to exercise it?—They would resist it out of the power of the landlord; but very few who do not owe in that county half a year's rent, what is called a dead gale, which is left on the land until the termination of the lease; if an independent freeholder, who paid up his rent to that dead gale, should politically offend his landlord, he has it in his power still to annoy him, by distraining him for this gale; and it has been put in practice this very year.

6306. When you say it has been put in practice this very year, are you alluding to either of the cases to which you formerly referred, or are those other cases?—I am alluding to cases of tithes, where the landlords interfered and distrained the tenants for the dead gale, in order to recover them.

6307. Had this any thing to do with the election?—I cannot say.

Veneris, 3° die Julii, 1835.

JOHN PARKER, ESQUIRE,

IN THE CHAIR.

Harman Visger, Esq., called in; and Examined.

H. Visger, Esq.

3 July 1835.

6308. WHERE do you reside?—At Bristol.

6309. How long have you lived there?—All my life.

6310. What are you?—A manufacturer and merchant.

6311. Have you paid much attention to the state of the constituency of Bristol?—I have made some researches lately as to numbers, but I have been cognizant as to what has been passing at most elections.

 6312. What

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6312. What are the classes that have a right of voting at elections, as distinguished into freemen and freeholders?—That is the old constituency, and the new constituency of the 10*l.* householders.

6313. The freemen vote by right of birth, servitude, marriage and purchase?—They do, and gift; there are freemen by gift.

6314. Have freemen by gift the same right of voting as by purchase?—I apprehend they have.

6315. Can you state the comparative numbers of the different classes between 1832 and 1834?—I have a memorandum of it.

6316. The registry of 1832—look at the freemen and 10*l.* householders?—In 1832 there appears to have been 868 freeholders registered, and 5,309 freemen.

6317. And the 10*l.* householders?—4,138, but, may I observe, that many may be comprised under two heads.

6318. The sum total of these is 10,315?—Yes.

6319. It does not follow that there is as many as 10,315 voters, because some of the freemen may also be 10*l.* householders?—Yes, and in addition to that, there may be 10*l.* householders in two or three places of the registry; besides which, from the very loose manner in which the freemen's list is made up, having been made up of all the freemen who had voted at two or three elections back, and all who have since been made; speaking in round numbers, I should not be surprised if there were 2,000 freemen's names in the register who were not in existence, or who have removed from the city, and have no right there.

6320. How many polled in 1832, taking the whole?—My memorandum from the poll-book gives 357 freeholders, 4,010 freemen, and 2,267 householders.

6321. Now go through the same in 1834, giving the number registered of the several classes, and the numbers who actually polled?—The number registered in 1834 of freeholders, was 953; freemen, 5,388; householders, 3,759.

6322. Making a total of 10,100?—Yes, a total of 10,100.

6323. Now go through the polled of the same year?—370 freeholders, 3,439 freemen, 1,921 householders.

6324. Making a total, I believe, of 5,730?—Yes.

6325. Previous to the Reform Bill, the electors consisted almost entirely of freemen?—Freemen and freeholders.

6326. But the proportion of the freemen to the freeholders was very large?—Very preponderating indeed.

6327. In 1830 I believe the number of freeholders was only one-fifth of the total number?—In 1830 it was one to four, that is, one fifth of the whole.

6328. What was the number of electors at the time previous to the passing of the Reform Bill?—In 1830?

6329. Yes?—I can only tell the number polled; it appears that 6,385 polled.

6330. In former times was the election very much in the hands of the corporation?—No, I think not.

6331. If you go back to a remoter period, was it not a Whig corporation?—Yes, it was, but I may say they have not much ostensibly interfered in elections.

6332. But when the corporation was a Whig corporation, did it not at that time very much influence the election?—Indirectly it has a very great influence, but it did not ostensibly appear very much in elections.

6333. Did not the voters who were considered to be of the opposite party make a struggle to oppose the influence of the Whig corporation, and at last succeeded in establishing an opposite influence in Bristol?—It is rather matter of history; a little before my time, I should say it was the Government patronage, to the extent, as nearly as I can estimate, of 20,000*l.* a year, which worked that change gradually.

6334. Was there not a Blue club in Bristol in former times?—There was.

6335. Was that Blue club supposed to have the disposal of all the local Government patronage of the place?—It was known avowedly.

6336. What was the mode in which a person, wishing for some local appointment in Bristol, used to apply in order to obtain it?—I am not sure whether it was avowedly or covertly by application to the Stedfast society, being the most select of the Tory party, most of the select members.

6337. What was supposed to be the annual value of these local appointments at Bristol?—I have always taken them to be nearly 20,000*l.* a year.

6338. The local patronage?—Yes, including customs, excise, stamps and post office.

6339. The

6339. The same patronage which you before alluded to is the Government patronage?—Yes, local Government patronage.

6340. Was the course taken to petition the Blue committee when a person was soliciting an appointment?—I believe it was, and to get the signatures of as many of the vestries and Tory party as could be mustered.

6341. And the recommendation of the committee of the Blue club was generally supposed to be acceded to by Government?—Invariably, I think.

6342. Then did not the Blue committee also derive great influence from soliciting for the remission of penalties incurred under the excise laws?—I have known many a man of Whig principles to give a vote for the Tory Member, obviously from the supposition that if they got into difficulties under the excise laws, which were then more calculated to entrap than they are at present, that that was the only way to get relieved from the penalty.

6343. This was a very fertile source of influence, was it not?—Very; because many extensive establishments were under the excise, and they generally influenced their men as well.

6344. Was there any sort of compromise between the two parties, the Tory and Whig party, as to returning each a Member?—I understand there was; it is notorious there was, but it is not within my own knowledge.

6345. When was that compromise?—I cannot say; but it must have been 30 or 40 years ago, I apprehend.

6346. Did Mr. Protheroe, sen., at the election of 1812, that you ever heard of, on a vacancy occurring on the Tory side by Mr. Bathurst accepting office, make a speech to this effect:—"I have uniformly expressed my conviction of the advantage the city derives from the understanding that one of its Members should be nominated by each of its leading political parties; upon this fair principle, I can have no pretensions on a vacancy occurring in the Blue interest:" Mr. Protheroe, sen., having been solicited on that occasion to come forward in order to return a second Member upon the Whig interest?—I have not the least doubt he did so, and that it is on record in the local papers.

6347. Since then a third party has arisen, has it not, at Bristol?—About the time of the Reform Bill many persons who had not taken much part in elections, (I myself never took part in the election before the election of 1831) came forward.

6348. I believe that third party is Liberal?—The third party, as contradistinguished from Whig and Tory, the Reform party.

6349. Has this party generally been defeated in consequence of the Tories rather throwing their second votes in the scale in favour of the Whig candidate?—When I speak of it as a party, there were always a great number of individuals, independent men on the Liberal side, but they never were sufficient to carry an election on their own principles, or to stand even the least chance of carrying an election before 1831.

6350. The establishment and the formation of this third party has led to severer contests perhaps than took place before, at least more severe contests?—It is matter of opinion calling it the formation of a party; but in 1830 the Liberal party, if I may so term it, acted on the principles which they avowed, entirely discarding all usual election proceedings; they appealed to the people by reason, and so successful were they, that there was not the slightest chance for the Tory party.

6351. Are you speaking now of the election of 1830 or 1831?—1831.

6352. You mean the election immediately preceding the passing of the Reform Bill?—I do.

6353. Was the party, the Liberal party, you speak of, successful on that occasion?—Yes, successful on that occasion, and returned two Members without opposition.

6354. Who were the Members?—Mr. James Evan Bailey, and Mr. Protheroe, the younger.

6355. And were the Members returned on that occasion without having recourse to any corrupt practices?—Decidedly so.

6356. The excitement of the moment had the effect of annulling all the corrupt practices which in former elections had been had recourse to?—There seemed to be a general assent to the propriety of the practice with the party alluded to, that it should always be deemed a duty, and not a favour, to vote conscientiously.

6357. Now we will go through the practices in former times, and without criminating

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minating individuals, can you state how it occurred at Bristol, was the taking up of the freedom of freemen immediately previous to the election, or even during the election, one of the corrupt practices that was had recourse to?—It was always the second, or third, or fourth day of the election; it was never done previous to the election; it was done to a great extent, and avowedly and openly.

6358. The claims to the freedom were suffered to accumulate between one election and another till the election arrived?—Yes.

6359. Was it supposed generally that directly or indirectly the candidates or their friends advanced the money necessary to take up these freedoms?—Directly and avowedly on both sides.

6360. Can you give any instance of this, as to the election of 1774?—There is a very strong instance in the Report of the Corporation Commissioners.

6361. Then give us that?—I have got the particulars of the election, and the votes for each.

Crager - - -	Old voters - - - - - -	2,168
	New voters - - - - - -	1,397
	TOTAL - - -	3,565
Burke - - -	Old voters - - - - - -	1,553
	New voters - - - - - -	1,154
	TOTAL - - -	2,707
Brickdale - -	Old voters - - - - - -	1,684
	New voters - - - - - -	772
	TOTAL - - -	2,456

6362. So that it appears that Mr. Burke carried his election by taking up more new freedoms than his opponent Mr. Brickdale?—Yes, it does.

6363. Now do the Corporation Commissioners advert to the election of 1812?—I think they give most contested elections for some years back.

6364. They state, do they not, that the Bristol return for 1813 includes the period from the 29th September 1812, on which day Parliament was dissolved; in that year 1,720 were admitted instead of 50, which is about the average number of ordinary years?—Speaking from my recollection, something to that extent.

6365. The return of 1826, without going into the numbers, was Mr. Bright's return effected by the same means?—It was effected by all the usual means of electioneering.

6366. Had not his antagonist a majority on the first day's poll?—Yes.

6367. And was it then determined by his friends to have recourse to the taking up of freedoms; and was not from 700 to 800 applications made on the part of claimants to the freedom to Mr. Bright's committee?—I know that Mr. Bright's election was in the greatest possible danger, and they decided on taking up freedoms, and spending all that was requisite, and it was turned by that means.

6368. As to the election of 1830, was not a very large sum received into the corporation chest of that year from the admission fees paid by freemen?—I apprehend there was. I speak from recollection.

6369. Have you adverted to the Corporation Report on the subject?—Yes, I recollect reading it on that subject.

6370. And noticing that a large sum was received in that year?—A large number.

6371. That being an election year?—Yes, and a violent contest.

6372. What is the amount of the fees paid for the admission to the freedom?—Speaking from recollection on taking up my own, I think it was somewhere about 6*l.*, but I am not sure. There is a cheaper way of obtaining it for about 3*l.* or 4*l.*

6373. Were you admitted by right?—By servitude.

6374. Have you had an opportunity of adverting to the Corporation Report?—Not at present.

6375. Will you refer to the Corporation Report on Bristol, and ascertain what is the price therein stated to be the total sum paid on taking out the guilds?—I will.

6376. Has treating been much in vogue at the elections at Bristol?—Very much.

6377. And opening public-houses?—At all contested elections but one that I know of.

6378. And

6378. And on both sides?—Yes, on both sides, excepting the election of 1832.

6379. And public-houses opened in each parish?—I cannot say as to each parish; perhaps two or three in some parishes.

6380. But very numerously?—Yes, very numerously.

6381. When the number of election days were not as restricted as they are now, were they generally kept open the whole time of the election?—I think so.

6382. Were they open as well to those who had as to those who had not voted?—I have heard so; I am not cognizant of the fact from my own knowledge. I never had any thing to do with it.

6383. Have you heard that it was necessary to offer the bonus to the parties of an additional quantity of drink for the day on which they polled, in order to induce them not to delay voting?—I have heard so, and it was commonly stated so.

6384. Two shillings' worth of drink for the polling day, and one shilling for each day during the continuance of the contest; have you heard of such an allowance as that?—I have heard a great deal about it, I will not say in detail, and I have seen a man outside who has been in the habit of receiving it.

6385. Is there a report of the proceedings before the election committee of 1812?—Yes, there is a printed report.

6386. There is a printed report of the evidence?—Yes.

6387. Have you ever read it?—No; I have looked at it.

6388. Was there any evidence given before that committee of bribery?—Yes.

6389. Direct money payments?—I apprehend so.

6390. In 1812?—Yes.

6391. When Sir Samuel Romilly was a candidate?—Yes; Mr. Henry Hunt was petitioner.

6392. Was fictitious employment one of the modes of bribing men, as detailed in the evidence of that election committee?—Decidedly; I have heard it in so many ways, that I cannot have a doubt in my own mind about it. There were sidesmen and constables, and various employments, monstrously overpaid, and made a consideration for a vote.

6393. Did this come out before that election committee, that Mr. Protheroe employed a person of the name of Meredith as agent, during the election, at 7*s.* a day, but in case he won, the man was to have 10*s.* a day?—I recollect having my attention called to it in the book I alluded to, the reports of the evidence.

6394. And that he voted for Mr. Protheroe, and actually received 10*s.* a day?—Yes, I recollect that.

6395. Have such practices prevailed at more recent elections without specifying what election?—I think, in the elections subsequent to the passing of the Reform Bill, a more guarded form has been adopted.

6396. I mean employing men at daily wages, much above ordinary wages that they would be paid in their ordinary work?—I do not think it has been carried to the same extent, or any thing like it, since the Reform Bill passed.

6397. Now as to polling money, has that been a regular practice, giving the man an allowance for the day on which he actually polled?—Yes; it was quite regular formerly, and I do not mean to say it was not latterly.

6398. You do not mean to say that it has not prevailed latterly?—I mean to say nothing on that subject at present.

6399. Have you heard of 7*s.* being paid as polling money?—I think it is 7*s.* 6*d.*

6400. Per head?—Per vote.

6401. Before the Reform Bill?—Yes, before the Reform Bill.

6402. Have both sides paid it?—Yes.

6403. If a man split a vote between the parties directly opposed to one another in politics, each candidate paid it?—I apprehend they generally did; certainly those opposed to each other in politics; but persons of the same politics were generally opponents.

6404. It went by the name of the compliment?—No, polling money.

6405. What politics were those persons you refer to?—There was generally a Tory returned, by almost general consent, and the opposition lay between the two Whigs—an aristocratic Whig and a liberal Whig.

6406. Are you speaking of the elections between 1812 and 1830?—Yes, the old elections.

6407. Did it not come out before the committee who sat on the election of 1832, that polling money was paid?—The election committee of 1832—there was 3*s.* paid to a large number.

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6408. Was it not given in evidence before the committee that sat to inquire into the validity of the return of the election of 1832, that polling money was given on that occasion?—I could not say polling money; but for attendance on nomination day, 3*s.* was given to a large number of men. I had it before me, from persons who paid a good deal.

6409. Besides that, was it not given in evidence, that on the day of polling, a great many orders for drink were distributed?—Yes, I saw them at what they called the "bribery box," which I can describe to you.

6410. You saw it yourself?—Yes, I stood by and saw hundreds going and coming. We call it "the bribery box."

6411. What was it you saw?—It was a house and a bow-window fronting the street. At two sides of the window the shutters were up; the other side, a pane of glass was removed, and a sliding panel was substituted, and the rest boarded up. A regular stream of men came in and handed in a paper, and received out another paper. The paper handed in I saw, in a great number of instances.

6412. What was the nature of the paper handed in?—The paper handed in was what we call the scrip, being the number and name of the individual, which was given to each man to facilitate the poll.

6413. And which was the certificate that he had polled in a particular manner?—I am not sure that it was marked so, but it was the scrip of his own party; and although it may not be regarded as a certificate, the inference was that he had polled for his own party. He then received another paper in exchange, which, from subsequent inquiries, was proved to be an order on different public-houses. I saw one myself, and I asked a man, "What have they given you?" He showed me, and I saw the name of White Horse, that being the name of a public-house in the parish where my premises are situate.

6414. What was the object of this bow-window and this sliding panel?—In order, as it appeared to me, that it might be done in secrecy.

6415. And did the man put in his paper with one hand and receive another paper?—Yes.

6416. This was an order for drink for another amount?—I think it was subsequently ascertained to be 3*s.*; I think I should remark that it was only on one side this was done.

6417. Was the offer made to the other side, are you aware?—I have already stated that, with the exception of 5*l.* or 6*l.*, which I have heard was spent on the Liberal side at Bedminster, in the suburbs, to the best of my knowledge and belief, and such is my entire conviction, that there was not one pint of beer given on the Liberal side.

6418. Was any offer made by any of the voters to the Liberal side, that if they would distribute the same amount of drink in this way, the parties would vote on the Liberal side?—I cannot say; but I was applied to by a numerous body of voters from Pill, who gave me the names of all the voters, specifying the number, 12 or 13 to the best of my recollection, who said they were all Liberals at heart, but they wanted a flag to be put out, meaning at a public-house, just to give the show of the thing. I myself told them that we would not, if the election depended on it, sanction the giving of a pint of beer.

6419. Do you speak of the elections of 1831 and 1832?—I speak of the election when Mr. Protheroe and Mr. Williams were unsuccessful.

6420. This 6*l.* you stated was spent at Bedminster, was that expended by order of the committee, or was it done by some injudicious friend?—Decidedly, contrary to the clear wish and instructions of the committee, which were sent round to all the parochial committees, and it was done by some injudicious friend.

6421. Did they print these instructions in any paper?—They were printed and sent round to all.

6422. Bringing up the out-voters was, previously to the passing of the Reform Bill, a great source of expense?—Very great.

6423. This place, Pill, is rather notorious for the expense to which it has put the candidates?—It is only seven miles from Bristol, and I have heard a gentleman, who was particularly conversant with the place, state, that the expense for bringing voters from Pill was greater than bringing them from London, or almost any other place.

6424. It is just at the mouth of the river Avon?—It is; they are pilots.

6425. Now have the charities in Bristol been much diverted from their purposes,

poses, and made use of as a means of exercising Parliamentary influence?—I do not know that they have been much diverted from their purpose, but I know they have been a very powerful means of Parliamentary influence.

6426. Was it generally understood by freemen, that unless they voted agreeably to the wishes of those in whose hands the distribution of the charities was vested, any application for participating in the charity was not likely to be successful?—I should say it was the universal and entire conviction.

6427. Did you ever read the evidence of a person named Leach, given before the election committee of 1812, in which this passage occurs:—"*Q.* Are the freemen of the parish where you reside entitled to any charity monies?—*A.* I have had it (meaning charity), but on account of polling for Sir Samuel Romilly; I could not get it this last time. *Q.* Did you make any application for charity money?—*A.* Yes, I had my petition before Christmas from the principal gentlemen of the parish. I took it to Mr. Edgar to have it signed, and he said, he wondered at my impudence. He said he came to me to ask the favour to vote for Davis; I refused him, and he would not sign it. *Q.* Was it necessary that Mr. Edgar should sign it?—*A.* Yes, he was the head of the parish. *Q.* Did you go any further with that petition?—*A.* My wife went to the minister of the parish and had it signed, and then I lodged it in Mr. Wilkinson's hands, and he lodged it at the council-house, but I had nothing. *Q.* What is the amount of that charity?—*A.* Three pounds, Mrs. Pelloquin's money."—I had my attention called to that passage in the printed evidence.

6428. Have you heard on any evidence that you believe, that the wife of a freeman named John Richards, a brazier, who polled at the same election for Sir Samuel Romilly, made an application to a gentleman of Redcliffe parish, for money payable to freemen's wives on the birth of a child?—No.

6429. Have you seen any estimate of the charities that are vested in the corporation?—I have.

6430. And which they have the power to distribute?—I have it made out.

6431. Have the goodness to read it.—Here is a compilation of the Bristol charities, and from that the memorandum has been taken.

6432. Prepared by yourself?—Not prepared by myself, but prepared by a friend of mine at my request.

6433. And from the report of the corporation commissioners?—From the compilation of what related to Bristol in the charity commissioners' reports.

6434. Then, in fact, all you state there has been derived from the report of the charity commissioners of the charities at Bristol?—I believe it to be fully and correctly taken.

6435. Will you just be so good as to read it?—

[*The Witness then read the following document:*]

ENDOWED CHARITIES AT BRISTOL.

1.—Vested in the Corporation.

Principal Sums.

	£.
Money left to be advanced on loan to Freemen in various sums from 5 *l.* to 50 *l.* and for various terms from two to 10 years, interest free -	4,900
Ditto - - interest under 1 per cent. - - - - - - - -	350
Ditto - - interest free to set poor to work - - - - - -	230
Ditto - - interest at 5 per cent. - - - - - - - - -	380
	5,860
To purchase Corn in perpetuity, to be sold to the poor at cost price - -	300
Principal Total - - - - £.	6,160

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Sums annually disbursed.

	£.
Maintenance of Almshouses, 89 inmates	2,080
Ditto - - Schools, in which are maintained and educated 38 boys, being poor children and orphans, for a period of seven years; and 40 freemen's daughters for a period of 10 years, included here also two Grammar Schools for freemen's sons, one of them with five exhibitions, but both without scholars	4,054
Estimated rental of Almshouses and Schools	467
Enjoyed exclusively by freemen, their wives, widows and children, in gifts of money, bread and coals, at various seasons of the year, and under various circumstances, the principal being 456 *l.* annually distributed under the Will of Mrs. Pelloquin, in sums of 6 *l.*	607
Distributed to the general poor of the various parishes in bread and money, the principal being 454 *l.* left in sums of 10 *l.* to the indigent blind	1,089
Endowed sermons	75
Annual Total £.	8,372

2.—Vested in Trustees.

Annually Disbursed.

	£.
Almshouses, 64 inmates	1,138
Estimated rental at 3 *l.* each	192
Schools, 50 boys educated, maintained and apprenticed, 70 boys clothed and educated; 94 girls clothed and educated	3,000
(The principal school, Cosston's, is taken on a rough estimate; the Commissioners having excluded it from their inquiry on some technical point; but the income of this Charity alone has exceeded the aggregate sum here stated.)	
Estimated rental of Schools	180
Freemen's widows, in sums of 10 *s.* weekly for one year	214
General charity	456
Total Charities vested in Trustees £.	5,180

3.—Vested in the Society of Merchant Venturers.

	£.
Almshouses; 55 occupants	670
Rental, 3 *l.* each	165
School; 40 boys; education	100
Estimated rental School	25
General Charity	18
£.	978

4.—Vested in Baptist Congregation.

Annually Disbursed.

	£.
Minister and education for the Ministry	341
General Charity	148
Total vested in Baptist Congregation £.	489

5.—Vested in Parochial Vestries.

Principal Sum.

	£.
To be lent in sums of 20 *l.* for terms of seven years, interest free	100

Annually

387

Annually Disbursed.

	£.
Endowed sermons	137
Schools: 40 boys educated and clothed, 20 boys and girls educated (this item includes a discontinued School, and gifts to others supported principally by voluntary contributions)	245
Estimated rental	25
Almshouses; 103 occupants	141
Estimated rental - - ditto	309
(Some of the general charities are applicable to the relief of the alms-people; they receive also in some instances parish pay.)	
General Charity	1,572
Annual Total £.	2,429

Total Charities.

	£.
Grand Total Loan, money and corn fund	6,260
General Charities in money, food, clothes, &c. annually disbursed, exclusive of sermons	16,895

The general Corporation Charities in doles of bread, &c., pass also through the hands of the Churchwardens: the total is less than in strictness it should be, from a desire not to overstate, and from the practice adopted of stating every thing as nearly as possible in round numbers.

6436. Now, the distribution of the charities alluded to is principally in the hands of the corporation and parochial authorities, is it not?—Principally; and as to that in the corporation, the sanction of the parochial authorities is frequently asked.

6437. Are these self-elected bodies?—I believe every vestry, and there are 18 in number in Bristol, have the closest principle of self-election.

6438. Now the authorities adverted to, are they principally composed of the members of one political party?—They are avowedly and openly the election committees of one party; I have seen the books myself in which electioneering proceedings were regularly recorded on the minutes.

6439. The vestry books?—Yes.

6440. In times past?—Perhaps 10 or 15 years ago.

6441. Can you give us an instance?—A letter had been received from a committee room, White Lion, to go canvassing for Richard Hart Davis, or something like that, I will not speak precisely, and there was a resolution thereupon recorded.

6442. Can you give, in proof of the belief prevailing among the freemen, that these charities are distributed principally among the supporters of one political party, any answer given by freemen to persons canvassing for Messrs. Bailey and Hobhouse in 1834?—I have heard so many things as to that, that it is impossible to enumerate them; I heard particularly that those who subsequently might receive charity said it would not do for poor men to fly in the face of those who could do them good.

6443. Did you hear a man say so yourself?—No, it was reported to me at the time.

6444. Do you know, in the case of Mrs. Pelloquin's charity, whether that in particular has been misapplied?—I have heard that it is very common to give it with the understanding that it shall be subdivided.

6445. Ought it not, according to the bequest, be given in sums of 6*l.* to poor householders?—Yes, I am told so.

6446. What do you mean by subdivided?—I have heard from a source which has left no doubt as to the fact on my mind, that it was given to a family on an understanding that others were to participate in it; a pound a piece, or something in that way.

6447. Christmas gifts, what is the nature of them at Bristol?—I cannot give you any information as to the detail of the charities.

6448. But there are what are called Christmas gifts distributed by the parochial authorities?—There are many.

6449. Parochial vestries?—Many; I have read the accounts of them on the boards in the church.

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6450. How are these distributed?—By the vestries and the churchwardens.

6451. Is it generally believed that they are distributed in order to serve political and electioneering purposes?—It is generally believed that they are distributed with reference to political and electioneering purposes.

6452. Do you know any thing of the Oalston guinea; does it go by the name of the Blue guinea?—I know it is a society called charitable, but virtually political.

6453. Is there a practice that when a freeman applies for a gift, he always takes with him a copy of his freedom, and that when his vote has been favourable, his freedom is marked with blue ink?—In fact, the copy of the freedom is proof; I have seen numbers of them marked with blue ink in various places, according to the elections in which they voted.

6454. Is his freedom being marked with blue considered as a passport for success in applying for charitable relief?—The mark with blue is deemed a proof of his having voted in favour of the Tory party. It is marked in different parts of the copy according to different elections, and that is supposed to be a passport to success.

6455. Did you ever hear of a petition which was brought to a gentleman of liberal principles for signature, and one of the documents given in support of the petition was, that the applicant had always supported the Blue party by his vote?—I have heard such a thing stated, and laughed at.

6456. Laughed at because it was not believed?—No, laughed at for his giving such a reason to the Liberal party, mistaking him for the opposite party.

6457. What was the total number of voters who voted previous to the passing of the Reform Act?—I think upwards of 6,000 polled.

6458. I think you stated that there were 2,000 names of freemen on the register, who are not in existence or who have lost their votes?—I stated my impression was so, if it was properly sifted.

6459. Have you never since the Reform Act had annual registers, in which all parties not properly qualified have, by the opposite party, been struck off?—No, there have been no exertions made; the register has been allowed almost to take its course.

6460. Then you imagine that there are 2,000 men on the register that have no business there?—I speak loosely; I think there might be about 2,000 freemen struck off, if objections were properly made.

6461. Two thousand of those who have voted or those who have not voted?—Those who have not voted at all, and some who have voted; nearly all that have not.

6462. Is the Independent or Liberal party not anxious enough for Reform, for the object of securing a Member of their own, that they will make no exertions on the occasion of the annual registry?—There are a variety of considerations as to that; they are rather inimical as to curtailing the franchise for one thing; another thing is, that it is the most formidable undertaking that you could imagine, with a constituency like Bristol, where perhaps not more than one third are really to be found in the places for which they are registered.

6463. You mean of the freemen?—Yes.

6464. Do you imagine in the elections latterly that much fraud has resulted?—Not very much.

Monsieur *A. Jolliret*, Député du Département d'Ille et Vilaine, Avocat à la Cour Royale de Paris, called in; and Examined.

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6465. I BELIEVE you are a member of the Chamber of Deputies?—Yes.

6466. For which department?—D'Ille et Vilaine.

6467. How many times have you been returned a deputy?—Three times.

6468. Will you have the goodness to state what was the number of your electors at the last election, as nearly as you can remember?—About 600, for the town of Rennes.

6469. Is that the total number of the electors?—Yes, but they did not all vote.

6470. What number voted?—About 400 or 420.

6471. Was it a contested election?—Yes, it was.

6472. Will you have the goodness to state the manner in which the voters vote for the department of which you are the deputy?—The secretary, or one of the scrutineers, calls out the names of the voters; the voter that is called comes, and receives

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receives a paper from the hands of the president (the returning officer), goes to a table arranged for the purpose, at a distance from the bureau (the returning officer and the other officers), and so arranged that nobody can see the voter write. He writes there, on the paper which he has received from the president, the name of the candidate for whom he intends to vote, and afterwards hands the paper to the president. If, by chance, the voter does not know how to write, or cannot write from accident, he applies to another voter, who writes, in a similar way, on the same table, so that nobody knows this elector's vote, except the friend whom he trusts, and who writes for him.

6473. Is the voter, in case he cannot write, allowed to bring a paper on which the name of the candidate for whom he votes is previously written?—No, he is not; his vote must be written in the room, either by himself or by a friend of his; but it must be written there.

6474. And must he allege at the time, that the reason of his employing a friend to write for him is, that he cannot write himself?—Yes; he must say he cannot write, and therefore he asks his friend to write for him.

6475. Now out of the 400 voters that voted at the last election, how many voted by their friends?—I cannot tell; one or two, or three or four; a very inconsiderable number.

6476. Is it not made use of as a mode of evading the secresy of the vote?—It is not; it is generally done by those who really cannot write, or who do not know how to write; but the number is so small, that it seldom happens.

6477. Then you believe, at the time of the voting, the vote given by the voter is absolutely secret?—Absolutely a secret, if the elector chooses it to be so.

6478. Will you explain what you mean by saying, if he chooses it to be so; has he in his power, at the time of giving the vote, if he pleases, to make it known to the bystanders in what manner he votes, whether by telling so, or by showing the paper on which the name is written?—If he did so, he would be objected to by the president and the bureau, and in my opinion his vote would be refused. He may say before the election for whom he is going to vote; he may say after for whom he has voted; but whilst he is voting, he must do it secretly.

6479. Who is the returning officer; by whom is he appointed?—The president (or returning officer) is, for the first day of the election, the president of the local court (*le tribunal de première instance*). Besides the president, there are four scrutineers, the two oldest and the two youngest in age of the assembled electors. A secretary is then chosen, among the voters, by the president and the four scrutineers. The bureau, so composed, is called *le bureau provisoire*; it is immediately proceeded, under its direction, to the election of the *bureau définitif*; that is to say, the president, four scrutineers, and one secretary. The president and scrutineers are elected, by the ballot, among the voters assembled. The secretary is chosen by that president and those four scrutineers. The assembly does not proceed any farther that day, and is adjourned to the following. The following day they proceed with the election, every one writing the name of the candidate for whom he chooses to vote, as I have stated to you.

6480. Is this done in a separate room?—In the same room.

6481. Are the papers handed in in the same room in which the electors are present?—Every thing is done in the same room. The president, the four scrutineers and the secretary are seated at a table; the other table, where the voters write their votes, is at some distance. Nobody but the voter is allowed to enter in the room where they vote.

6482. In what order are the names of the electors called?—Alphabetical order.

6483. When a voter's name is called, he proceeds to the table to give his vote?—When a voter's name has been called, if he is present, he goes, as I have above mentioned, to the president, who gives him a piece of blank white paper; then the voter goes to a separate table, and writes the name of the candidate for whom he chooses to vote; when he has written it, he goes to the president again, and gives him his paper, folded up, so that neither the president nor any body can read it; the president takes the paper, and puts it publicly into a box.

6484. Is it possible for any of the bystanders to see what it is that the voter writes on the piece of paper?—The table is so arranged that nobody can see.

6485. What arrangements are there to prevent the bystanders from seeing?—The law wishes and says that the vote shall be secret, but it does not enter into the minute details of execution. Conformably to its spirit, the voter is always at a distance from the bureau and from the bystanders. If other voters were to come near

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near him, they would be called to order by the president, and by the voters themselves.

6486. Then, in fact, the bystanders are not able to read what it is that the voter writes?—No, they are not. Some voter may attempt to guess what another voter writes, by the motion of the pen; but if he was discovered doing so, he would be called to order, and compelled to withdraw.

6487. And no bystander is allowed to use a telescope, in order to read what it is?—Certainly not.

6488. If the voter were to hand up his paper unfolded, so that the bystanders or the president could read what was written, would that vote be objected to?—If I was in the bureau, I certainly would object to it; and I will tell you a circumstance which occurred to myself, five years ago. The last election before the revolution of July, the borough of Rennes, which I now represent, had for its president Count de Corbière, *ex-ministre de l'intérieur* (secretary of the home department). He had been appointed a president by the King (it is only since our new charter of 1830 that the president is chosen by the voters). Count de Corbière contended, that secresy of the vote was optional to the voters, not a duty incumbent on them. Conformably to this doctrine, some political friends of the Count de Corbière came forward, and wrote the name of their candidate before the president, in such a way that not only the president, but the secretary and scrutineers, could see them write, and they gave the paper in which they had written, unfolded, to the president. I and my friends objected to it. I told the president that he had violated the law; that the terms of the law were not that the voter may, if he pleases, vote secretly, but that he should do so; that it was very easy to account why the law made it a duty; that otherwise some or many friends of a candidate, of a ministerial candidate, for instance, would agree to vote publicly for him; in that case, if other voters did not choose to do so, they would be suspected of having voted for the other candidate, and thus the secresy of the vote would not be complete. The bureau decided against me. I instantly wrote a protest, and that protest was signed by many friends of mine. We then petitioned the Chamber of Deputies, and the election was declared null by the Chamber, because the secresy of the vote had not been kept, conformable to the law.

6489. Suppose the voter, besides writing the name of the candidate for whom he votes, was to subscribe his own name to the paper, and thus inform the president and scrutineer as well of the name of the voter as the candidate for whom he voted; would such a vote be set aside by the bureau, if they performed their duty?—It ought to be.

6490. Did you ever hear of such a case happening?—No, I do not recollect, but if I were a member of the bureau, I would not hesitate to declare the vote void.

6491. Could it be possible for the president, when the voter delivers in his folded paper, to mark privately upon that paper the name of the voter?—He could not do it without being observed by the bystanders; and the paper, being burnt, as I will tell you, his dishonourable action would prove useless.

6492. Were there not arrangements previous to the present law by which there were screens behind which the voter was allowed to write?—Screens are not prescribed by law.

6493. Is there not sometimes a box with three sides closed, and one open, within which the voter writes?—Yes, very often.

6494. Are there any methods resorted to, to your knowledge, by means of which the secresy of the vote, at the time of voting, is evaded?—I do not know if those methods could be of any effect, but they are not had recourse to.

6495. Will you proceed in describing the mechanical operation: if the voter does not answer to his name at the time that it is called, has he any other opportunity on the same day of voting?—The scrutiny is open during six hours at least. The names are called over twice; and if on the second call he does not answer, his vote is receivable provided he gives it within the time the bureau has declared the voting shall be over; but according to law the bureau cannot decide that the voting is closed unless six hours have elapsed from the opening to the close. When all the votes have been given, the president opens the box and counts the papers to see whether the number corresponds with the number of voters; that being done, the president opens each paper, one by one, and reads aloud the name, and that name is written down by one of the scrutineers; then the number of the votes for each candidate are added up and declared. Also, to ensure complete secresy to the

the vote, after that operation has taken place, and the result of the present operation known, the papers are burnt in an adjoining room, in the presence of the voters, for fear that the papers should be kept, and the hand-writing might be known.

6496. Does there much canvassing of the electors take place before the election?—We have no regular canvass as you have in England; sometimes the candidate pays visits to the voter, or some of the voters, sometimes not.

6497. Have you previous meetings?—Whenever we are anxious about the election, previous meetings of the electors take place.

6498. Do you mean of the voters generally, or of the friends of the particular candidates?—The voters of the same party meet and discuss the merits of the candidates, and sometimes the candidates come themselves and address the electors.

6499. What takes place at these meetings besides the candidates addressing the electors?—There has been now and then a preparatory ballot, but in general it does not take place.

6500. What is the object of this preparatory ballot?—When two or three gentlemen belonging to the same opinion are candidates, the object of the preparatory ballot is to ascertain who shall give way.

6501. It does not always happen in such a case that the candidate who is found to be in a minority at this premature ballot gives way?—It is understood that he should; that is the only meaning of the preparatory scrutiny, but he does not always do so.

6502. This is a private arrangement between the candidates and their friends?—Yes.

6503. Not contrary to law, and not founded on law?—Yes, exactly.

6504. How are the votes taken at these preparatory ballots?—They are taken in the same way as at the real election, secretly.

6505. At these preparatory meetings any one that pleases speaks in favour of the candidate whose cause he espouses?—Any one may.

6506. Have you reason to think that a person speaks on one side and votes on another?—It would be a very dishonourable display if he did; there is no way to ensure whether he does it or not; nobody could prevent his doing so if he pleases.

6507. Is there any reason in practice to suppose that has been the case?—There are dishonest people every where, but I believe among our voters very few.

6508. Are candidates and their friends generally able to calculate accurately beforehand what is their chance of success?—It is impossible to know it accurately, but we are able to form a tolerably accurate opinion, as few voters choose to conceal their politics and the name of their candidate.

6509. Will you proceed to state how far it is known beforehand in what manner the voters will vote?—The politics of each voter being generally known, we can easily imagine for what side they will vote.

6510. Have you further information to give to the Committee?—I am ready to give to the Committee all the information I have. I remember I have read Mr. Grote's speech and Mr. Charles Russell's speech in the House of Commons, on the question of ballot, on the 2d of June. Mr. Charles Russell said, alluding to what took place in France, that the ballot was directed there, not against personal influence nor pecuniary corruption, but against the power of the crown; I think that statement is most correct. During the reign of Charles the Tenth, very often public functionaries lost their situations because they had not voted for the ministerial candidate. That made our liberal party excessively anxious to keep the secresy of the vote, and we did every thing in our power to have it kept; but now, as we live under a far better Government, and there has been no instance known for the last five years, since the Revolution of July, of a public functionary losing his situation on account of his vote, we are less anxious for the secresy of the vote. Your Committee will understand perfectly well that the ballot is not directed against personal influence, when you will be acquainted with the qualifications of our voters. Nobody in France is qualified as a voter if he does not pay 8*l.* a year direct taxes, which supposes an income of between 60*l.* or 70*l.* a year; that income, allowing for the difference, would correspond with an income of 100*l.* in England; so that each voter is an independent man, cannot be corrupted, and is seldom influenced. I do not think there is an example of a man being bribed by actual money in France; some may have been influenced by promises of situations from the Government, but none have been corrupted by money.

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6511. Have any been influenced by the expectation of a favour or the fear of injury from individuals?—Scarcely ever.

6512. During the reign of Charles the Tenth, when you say it was an object to keep the secresy of the votes unknown to the Government, was the secresy absolutely observed in most instances?—I told you what the Count de Corbières attempted to do, and that was done often in other towns in violation of the law; the Government obliged public functionaries to profess they would vote for the ministerial candidate, and many illegal things took place to discover their votes.

6513. What do you think of the ballot in France?—The composition of our boroughs is such, that all voters being men of some property, they are less liable to influence than if they had no property, or but little. In my borough, for instance, I do not think that 30 or 40 persons, out of 600, avail themselves of the secresy of the ballot; all the others are ready to say beforehand and afterwards how they intended to vote and did vote. If the class of voters was different, if they were poorer, the ballot would be of more consequence to them. It may happen in England that a borough consisting of 6,000 voters (ten pounders) is under the influence of 20, 40 or 60 voters, and the 6,000 votes in number come *de facto* to 20, 40 or 60 votes; so that in France, a borough consisting of 600 votes, would be really more numerous than an English borough of 6,000, though less so apparently. The class of voters in France is much more confined than it is in England, but each voter has an independent vote, so much so that the richest man in the country could scarcely command one beyond his own. In a borough composed of men of property, I think there is no inconvenience in each voter being left to himself and his own conscience, but in England, where ten pounds rent is a sufficient qualification, that the ballot would not be attended with inconvenience, by destroying at once the influence of the larger proprietors, is for me a matter of doubt, upon which I declare myself, as a foreigner, utterly incompetent.

6514. As a matter of fact, as freedom has advanced in France, attachment to the ballot has diminished?—The ballot was directed against the illegal influence of the crown, and now that the crown does not use it, we do not attach much importance to the ballot.

6515. Now, you said that no functionary had been dismissed on account of his vote since the reign of Charles the Tenth?—It is a fact.

6516. If the secresy of the ballot was complete, even during the reign of Charles the Tenth, how was it known in what manner any functionary had voted?—It may have been suspected; some frankly owned how they had voted, although they knew the declaration would be attended with the loss of their situations.

6517. But if the prudent functionary possessing the ballot should have voted against Government, how would that be?—If he was strongly suspected of voting against the ministerial candidate, he sometimes lost his situation.

6518. So that while power and influence continue to hold sway in any country, ballot is no protection against the suspicions of power and influence?—Yes, it may be; because some public functionaries may vote against Government without choosing to avow it, and then the ballot may afford some protection; and yet the Government of Charles the Tenth, on mere suspicion, have sometimes deprived public functionaries of their situations.

6519. Then the check against the exercise of tyrannical power, founded on suspicion at the present moment in France, is public opinion?—In France, the Government would not now think of doing to.

6520. Why would they not?—Because the present Government is much more liberal than the other. One of the causes of the loss of Charles the Tenth was the tyranny he used against public functionaries in the election, and certainly our present King is too enlightened and too liberal to follow the same course.

6521. And still all the tyranny exercised by Charles the Tenth, with respect to the votes of functionaries, was exercised while the vote was given in secret?—Yes.

6522. The law was the same?—Yes; but the law was violated, and the secresy of the vote discovered by a violation of the law.

6523. If, instead of its being the Government against which these suspicions were directed, there were individuals against which those suspicions were directed, would not you as a candidate set a great value on the ballot, as a protection against such practices?—I certainly think in a constituency like yours, where farmers vote, if farmers depend on their landlords, if they may lose their leases, if they may be deprived, in consequence, of their livelihood, I certainly think that

it would be a protection for the voter to be able by the ballot to conceal his vote from his landlord. Mons. *A. Jolliret.*

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6524. You have stated that 30 or 40 timid persons now avail themselves of the protection which the ballot gives them in the borough of Rennes?—Yes.

6525. Now, during the time when your Government was disposed to be tyrannical, and it was a great object with the liberal party to have the votes concealed, was there a larger proportion out of the whole than these 30 or 40 who then concealed their votes?—A less proportion, and I will explain why; party spirit, during the last years of Charles the Tenth, was such that every one owned his opinion; no voter, except the public functionaries attached to the liberal party (and they were few), thought of concealing their vote: we were so anxious, we made so many efforts beforehand to have each other's opinion, that we could say, in a constituency of 600, within 20 votes of what would be the result.

6526. I think you said those 30 or 40 at Rennes, who availed themselves of the ballot, did it from the fear of embroiling themselves with one or other of the parties; what would be the effect of their so embroiling themselves? what were their apprehensions?—Some are tradesmen, and though I hope that party spirit in France is not such that gentlemen would refrain from dealing with a voter if he voted against the candidate they preferred, yet it may be feared by the voter who will take advantage of the ballot; but I do not consider there are more than three or four out of the 40 who are influenced by that motive: I will tell you what may influence the rest; some may vote on account of their principles against one of the candidates, though they are personally attached to him; others choose to live on good terms with both candidates and both parties.

6527. If it were the general practice for gentlemen to withdraw their custom from any tradesmen who refused to vote as they wished, would you not consider in that case the ballot would be great additional protection to tradesmen?—I have no doubt it would, as in your country it would be to the farmers against their landlords if they thought proper to deprive them of their leases.

6528. In fact, it appears in France that most men are bold enough to avow either beforehand or after, in what manner they intend to vote or have voted. But there are some few timid men who wish to conceal their votes, and to such persons the ballot is a protection?—It is my personal opinion now, that we do not care much for the ballot in France; and I do not think if the ballot was abolished to-morrow, it would make the difference of 10 votes in the Chamber of Deputies.

6529. Do you know of any instance in which tradesmen have been deprived of the custom of wealthy persons in consequence of the votes they have given?—I do not; we have very few shopkeepers who are not at the same time men of some landed property; I do not think the fear of losing a customer operates on them, and I think gentlemen would respect themselves too much to deprive the tradesmen of their custom on account of their vote.

6530. Would such conduct on the part of the gentleman be highly condemned by public opinion?—You know what party spirit is. All the friends of that gentleman for whom the voter had refused to vote, perhaps would seek to justify his conduct, but it would be blamed by all independent men.

6531. Do you know of any instance in which tenants have been deprived, or have been threatened to be deprived, by their landlords of beneficial tenures in consequence of their votes?—They cannot. The tenures in France are for a certain number of years, not at pleasure, so that the landlord has no right whatever to deprive the tenant of his lease, and the tenant is quite independent of his landlord.

6532. Supposing the lease was upon the point of expiring and the tenant was asking for a renewal of the lease, do you know of any instance in which the refusal to renew has been the result of a vote given by the tenant?—It may have taken place, but I do not know it.

6533. Would such an act be strongly condemned by public opinion in France?—I should certainly for my part disapprove of it, and I think all honest and independent men ought, but party men have done so much to succeed, that perhaps they would go as far as to justify it.

6534. Supposing the spirit of the Government in France was to alter, and that the ministry of the present King was to be disposed to act in opposition to public opinion, something in the same manner as Charles the Tenth and his ministry did before 1830, would not the ballot in that case be a valuable protection?—I think so, but

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your question is quite hypothetical, because our Government is obliged and is willing also to march, I will not say with the newspapers, but with public opinion, with the opinions of the voters, of the National Guards, of the middle classes, from which he draws his support.

6535. If the right of voting was very much extended in France to the lower classes not possessing property of their own, are you of opinion that secret voting when exercised by persons not possessing property, uninfluenced by those above them, would be consistent with the maintenance of kingly Government in France?—That is a very difficult question to answer, because it depends on the times, it depends on the state of public opinion, it depends on many different circumstances; I do not think that the extension of the right of voting to the lower classes would give a majority of Republican or Carlist members in France, but it would certainly give a larger proportion. In the south and west of France, the Catholic priests still have a great influence over the peasantry, so that the elections would there be rather favourable to the Carlist party, who is supported mainly by the Catholic clergy. In other parts of France, in the east of France for instance, the newspapers would influence those voters, and particularly the *republican* newspapers. In fact, my opinion is this: that the middling classes in society in France are so attached to the present Government, that as long as the elections remain in the hands of the present voters, or voters of the same description, men of professions, barristers, lawyers, physicians, surgeons, merchants, the result of the elections will be favourable to the existing form of Government. If we extended the votes to universal suffrage, or near it, then the elections would in some parts of France be favourable to the Carlists in others, favourable to Republican Government. What would take place in England, if the present voters were freed by the ballot from the influence of men of property, is a question that I am not competent to answer.

6536. What would be the case if, instead of being extended as you suppose in your former answer to almost universal suffrage, it were extended to 10*l.* householders, or to what would be nearly equivalent?—I do not know exactly what would be considered in France equivalent to the 10*l.* householders.

6537. Instead of there being parties who were in possession of an income of about 70*l.* a year, suppose there were individuals occupying houses of the value of 7*l.* a year in France?—It would be difficult to answer that question; because one house might be worth 7*l.* a year in one district, and more in another.

6538. Suppose, instead of being extended in France to what was equivalent to universal suffrage, it were extended to a class paying 100 francs a year taxes, instead of 200?—I have confidence enough in my country to think, that the elections would not be materially affected by the alteration, and yet I would rather wait three or four years, when I hope the public instruction will have made more progress, before we make the change.

6539. Do the inhabitants of Rennes, who are not voters, take much interest in public affairs, and more particularly in the elections that are going on in their town?—It depends entirely on the state of public opinion. They certainly did, in the last days of Charles the Tenth, so much so that our square before the town hall, where the elections take place, was crowded with people who were anxious to know the result of the election; the non-voters think now less of the election, and though our papers speak daily of the universal suffrage, I really think the people care very little about it.

6540. From your knowledge of the influence of the Catholic priests, are you of opinion that if it was with them a political object to ascertain how a voter who had concealed his vote by ballot had really voted, that the Catholic priest could obtain knowledge in confession, or by any other means, of that secret?—I think our Catholic priests would not. I will do justice to them, though they do not belong to the same party as myself, being generally friends of the old Government; I really think there is a spirit of decorum in France, which prevents the Catholic priesthood from interfering in the election beyond a certain measure.

6541. If, disregarding decorum, they pushed their religious influence to its full extent, do you think that the Catholic religion gives to the priest such an influence over the mind of his bigoted follower, that he could extort from that follower the secret of his vote if he thought fit?—We have very few bigoted Catholics in the middling classes in France; I really think that a Catholic priest would not ask a voter, in confession, for whom he has voted, and that a Catholic would not answer such a question if it was asked.

6542. If a Catholic priest had canvassed a Catholic voter for his vote, and had received

received a promise of it from him, and he suspected under the secresy of the ballot the voter had broken his word, and the priest pressed him to tell the truth how he voted, would the Catholic follower, when so pressed by the priest, venture to deny that he had broken his word?—A Catholic bigot, a man without education, a man led by the priest, if he promised the priest to vote according to his directions, would certainly keep his promise.

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6543. I ask you whether you think the secresy of the ballot box is sacred and valid against the influence of the Catholic priest, if the Catholic priest thinks fit to extort it?—A bigoted Catholic, whose bigotry would lead him to vote for the candidate recommended by the Catholic priest, would be proud of his vote, and would be ready to avow it not only to the Catholic priest but to every one; so that the Catholic priest would not want to have recourse to confession to obtain his secret: allow me to say that all the last questions I have been asked may apply to another country, but not to France, where our voters belong to the middling classes, have received a liberal education, and are certainly less influenced by their clergy than you are by yours. I think it a duty to declare, that all the information I have given to the Committee are my private opinions; that there are in our Chamber of Deputies different parties and different members who entertain very different opinions on these matters.

Sabbati, 4° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Harman Visger, Esq. called in; and further Examined.

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6544. IT appears then, Mr. Visger, from the evidence which you gave yesterday, that even although the charities which are under the corporation were regulated and placed in the hands of unexceptionable trustees, still you think there are many charities, of which the parochial vestries are the distributors, which might still be likely to be abused?—I do.

6545. Nothing but a general reform in the management of all charities, as well under parochial as corporate authority, would reform the existing abuses in the distribution of charitable funds at Bristol?—I do not say that, if the vestries were made elective.

6546. Now, we will go to the voters of 1834, as compared to the voters of 1832; how do you account for the comparative increase and decrease in the classes of voters in the year 1834, as compared with the year 1832, taking them in the order we before mentioned, freeholders, freemen and 10 *l.* householders?—As to freeholders, I say that more put in their claims, and therefore there was an increase.

6547. Do you think they are as liable to intimidation as the 10 *l.* householders, or are they more independent?—I think they are the most independent class.

6548. Taking the householders, there appears to have been a decrease in them instead of an increase?—Yes.

6549. And not a comparative number of the whole voted?—Yes.

6550. To what do you attribute the decrease; first of all in the number registered, and secondly, that only one-half of the registered 10 *l.* householders voted?—There are various causes for both; in the first place, the rating for different parishes varies from one-third to two-thirds of actual rental.

6551. How does that affect it, because the number registered is 3,759?—I must answer one part of your question first; there are a great many who pay more than 10 *l.* rent, who are rated at much less.

6552. What do you suppose is the number of 10 *l.* householders within the limits of the Parliamentary borough?—I have a memorandum of it.

6553. I have it stated at 9,785?—I believe that is correct. The churchwardens, who are the chairmen of the Tory committee, appoint the collectors, and the collectors have immense power in influencing the registration. They may receive without the shilling, and disfranchise by that means.

6554. And have they?—I believe they have. I know instances in which they have; they may call once on a liberal, and take care not to call again until after the day has passed. The 10 *l.* householders rated under 10 *l.* have been, to my knowledge,

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knowledge, in the parish in which I reside, struck out; I think to an extent of somewhere about 70.

6555. In one large parish?—Yes.

6556. Why do you think that so small a proportion as only one-half of the 10*l.* registered householders have polled?—From two causes: there is a very great intimidation, and the Reform candidates were withdrawn all the evening of the first day.

6557. It appears there was an increase in the number of freemen on the register, and that a much larger proportion of the freemen voted than either of the freeholders or ten-pounders; how do you account for that?—I account for that by their having more interest in voting, independent of political considerations.

6558. Explain that?—On the second day there was no competition, and they thought it better to get a few pints of beer than nothing, and expecting to get polling-money.

6559. Was there not also a society formed under the name of the "Conservative Operative Society"?—There was.

6560. Which was very instrumental in inducing the freemen to co-operate together in support of one of the political parties in Bristol?—I view it as nothing but a cloak for systematic bribery.

6561. And that bribery directed principally against freemen?—Almost entirely. I may remark here, that by means of that society an expedient for virtually paying polling-money appears to have been hit upon.

6562. When was that association formed?—I have the book of rules; in June.

6563. Give us the year?—June 1832.

6564. What was the avowed object of the society, as it may be collected from the rules; was it not called a society for promoting Conservative principles; giving as a reason, that to those principles the operative is indebted principally for the maintenance and support of himself and family?—I believe that was put forth.

6565. Do not those words occur in the introduction to those rules?—Yes: "because we believe that to these principles the operative is indebted principally for the maintenance and support of himself and family."

6566. Was it not declared to be the principle of the society that it would afford constant employment to the free burgesses of the city of Bristol?—That was one of the inducements held out.

6567. Is it not also stated that "it would be obvious to every thinking and reflecting mind that those who opposed the Conservative principles have generally neither the ability nor the desire, except from ungenerous motives, of giving employment to those who support them"?—Yes, it is.

6568. Meaning by "them" those principles?—Those of liberal principles.

6569. "And the society, therefore, class themselves with those who have not only the power, but the will to serve the operatives"?—It is so stated.

6570. The society, in the introduction, disclaim having any concern, directly or indirectly, or being in any way connected, individually or collectively, as agents or parties with any electioneering committee?—It does disclaim it.

6571. But they go on to say, "It is true we have the mutual welfare and advantage of our brother freemen at heart, and are not ashamed to acknowledge ourselves the well-wishers and zealous supporters of those upon whom the comforts and happiness of the working classes must chiefly depend, namely, those who constitute the wealth of this city, and who are principally of that party whose name we assume," meaning the Conservative party?—It is so.

6572. Was it not almost immediately before the election, of 1832 I believe, that this society materially increased in numbers; about six weeks before the election?—On the 1st October it was little short of 200 members.

6573. Was not that independent of the honorary members?—I cannot say.

6574. Is it not stated so in the introduction, at the bottom of the page?—"The society from its formation increased gradually till September, when about 120 members had registered their names. A greater increase followed this period, and the society on the 1st October was little short of 200 members, when it was deemed necessary to call a general meeting of its members; and the committee have to state that since such meeting to the present period, the members registered have increased to the number of 1,150, independent of the honorary members."

6575. Then

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6575. Then does it go on to say, "That it is by the kind and liberal donations and support of the honorary members that this society has been brought to its present prosperous and flourishing condition"?—It does.

6576. The operative members of the society consisted exclusively of the freemen of Bristol, did it not?—I will not say there might not have been a few 10*l.* householders.

6577. But almost exclusively?—Almost exclusively.

6578. The second rule states, "That the object of the society is to procure employment for free burgesses, in preference to strangers, who are constantly entering the town?"—It does.

6579. That is, in preference to those who are not freemen?—That is what is meant.

6580. And when they solicit, "that all influence should be used by gentlemen with their tradesmen and others to prefer those freemen in want of employment, who conduct themselves with propriety, and who may be fully competent to the undertaking in which they engage," what interpretation do you put on that passage?—That there should be favouritism shown, and that influence should be used with the tradesmen who employed workmen.

6581. Were the ordinary members of this society, after the custom of benefit clubs, to make any contribution themselves to its funds?—The operatives themselves, as they are termed, were not to contribute anything.

6582. Then it was supported entirely by the honorary members?—Entirely.

6583. What benefits were the operatives, members of the society, to receive, either themselves or their families, from belonging to it?—The employment has already been alluded to: "The committee shall relieve every year, from the commencement of this association, 100 freemen's wives in lying-in, who belong to this association, with 10*s.* 6*d.* each."

6584. Were the members to be assisted in taking up their freedoms; look at the ninth rule?—Yes.

6585. Just read the ninth rule?—"That as no fees on entering, or weekly payment, are to be made by the members of the association, that in case any donations should be given by the honorary members of the committee, such donation to be applied either to the widows of freemen belonging to the association, to those freemen who from age, infirmity or sickness are or may be rendered incapable of labour, being members of this association, or towards a fund for taking up freedoms, agreeably to the wish of the donors; to commence months from the time of entering this association. The copy of freedom to be produced whenever any application is made to the committee."

6586. Therefore it appears that the benefits to be derived from the society were confined to freemen?—It does.

6587. Read also the fifth and sixth rules?—"Fifth, That the committee shall relieve every year, from the commencement of the association, 100 freemen's wives in lying-in, who belong to this association, with 10*s.* 6*d.* each, on producing a certificate of birth and marriage, and also the copy of freedom."

6588. Now the sixth?—"Sixth, That the committee shall relieve, from year to year, 150 brother freemen, members of this association, with from 7*s.* to 10*s.* each, according to the necessity of the case, who may, from accident, want of employment or sickness, require such assistance, on producing the certificate of the medical man or other respectable recommendation, and producing his copy."

6589. Then the 22d rule seems to hold out also some advantages?—"That a visiting society of 24 or more members be appointed from this association, who shall divide themselves into districts, and whose duty it shall be to visit every brother freeman weekly who may be either in want, sickness or distress, and report such to the monthly meetings of the committee, who will, according to their funds, afford such relief as may be required. Medical attendance can at all times be obtained gratis, on application to Mr. H. Wilkins, Wine-street, surgeon to the association."

6590. Religious instruction also was to be provided for the members of this association. Read the 23d rule?—"The committee of the association further suggest to such visiting committee that should any sick brother require religious instruction, application should be immediately made by the visitors to the clergyman of the parish or district, or to such other clergyman as he may require, and to see that such attendance be given as required. The committee fully rely on the

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prosperity and usefulness of this association in proportion to the actual good they may be the humble means of diffusing amongst their brother freemen."

6591. The 18th rule seems to say that no member shall be admitted who is not of Conservative principles?—"No member can be admitted who is not of Conservative principles. On sufficient evidence given of any person having entered this association of contrary principles, such person can no longer be considered a member."

6592. No person can be registered without producing his copy; does that mean copy of his freedom?—Yes, copy of his freedom.

6593. That is rule 20?—Yes.

6594. Now read the 7th rule, which relates to the honorary members?—"That since many merchants, bankers, professional gentlemen, masters and other free burgesses of the city of Bristol may consider themselves excluded from the said association, they may be respectively solicited to become honorary members of the committee, and to give their attendance at such monthly meetings of the association, or other meetings of the committee, as to them may be convenient."

6595. Then the 8th rule?—"That such honorary members be considered as trustees."

6596. Now read the 16th?—"That power of management be vested in the committee."

6597. That meaning the committee consisting of operative members?—It appears, "That such committee invite any communication or suggestions from the honorary committee."

6598. It appears, therefore, there was a committee both of operative members and of honorary members?—It does.

6599. The payment of 5*s.*, I believe, made a person an honorary member; did it not?—Yes.

6600. That does not appear on the rules, but do you know that was the case?—I have always understood that to be the case.

6601. What was the real objects of this association, as far as they can be collected from their acts?—I believe to corrupt the freemen.

6602. In support of what interest?—In support of the Tory interest.

6603. Where did the members of the society hold their meetings?—I do not know where they held their general meeting, but at their first commencement they were held at a public-house called the Castle and Ball.

6604. Were there not meetings held in the public-houses in almost every parish in Bristol?—Yes; I have seen the public-houses open for a month or two before the election of 1832.

6605. About October 1832 did they not hold frequent meetings in the public-houses in the different parishes?—Yes, they did; it was quite notorious all over the city. I went about with some friends one night and saw several, and talked to the men, and they told me they were giving tickets for drink; I think it was 6*d.* a night.

6606. How much a night?—I think it was 6*d.* a night; this might have been about two months before the election; a considerable time before the election.

6607. What was the date of the riots in Bristol, do you remember?—I think it was in the autumn of 1831.

6608. Then this society was not formed immediately after the riots?—No; it is stated to be June.

6609. In June 1832?—Yes.

6610. Was it formed, do you think, with a view of aiding the police?—No; that is a mere idle pretence; it was formed with a view to the election which must follow the passing of the Reform Bill. It may be said to have been a mere nucleus until the Reform Bill was passed.

6611. Was great activity used to induce new freemen to join the association?—I think very great, at the period I have mentioned, between the 200 and the 1,150.

6612. Were men employed at 5*s.* a day to canvass for new members?—I have heard so; a man of the name of Scott can tell.

6613. On what authority did you hear so?—I heard so as one of the petitioners.

6614. You were one of the petitioners on the election petition of 1833?—I was.

6615. Did you read the evidence which was given before that Committee?—I have read the greater part of it, and had consultations with the solicitors.

6616. You

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6616. You remember that evidence was given to the effect, before the Election Committee, that men were employed at 5*s.* a day to canvass for additional members?—I do.

6617. Promises of great advantage were held out to induce the men to join?—I do not know much of the promises except what appears on the rules, but I suspect there were additional promises.

6618. Mr. Waters was asked on that occasion whether Scott applied to him to become a member: "Q. What did he say on that occasion? A. He said it would be a benefit. Q. What did you say? A. I told him it would not be a benefit, for after they had got the men's votes they might go where they liked. Q. What did did he say to that? A. Oh no, it would not. Q. Was there anything more passed? A. There was plenty of employment for all men who would give their votes. Q. Did Scott say that? A. Yes. Q. And then Scott said there was to be so much a week for all men who were out of employment, and employment would be found for them?" Do you recollect that?—Yes.

6619. "Q. Did you ask him anything as to what sum they were to pay? A. There was nothing at all to be paid. He told me that wherever a profit arose it was no odds to me." Do you remember that?—I recollect that, now you call it to my memory.

6620. Then you remember that many distinct public-houses were open at that time?—I do, and the city was in a state of drunkenness night after night.

6621. Then it appeared to be, in fact, a mode devised, not for administering relief in cases of sickness, or Christian consolation, but for administering treating on an extensive scale?—I apprehend that treating on that extensive scale was to induce the parties to join the association.

6622. Were the meetings frequent in the course of a week?—My impression was that there was not a night without numerous meetings, but perhaps not all at the same places each night.

6623. Were the meetings numerous?—I did not go into any of the houses, but I saw men hanging about.

6624. Did the houses appear to be crowded, from what you saw on the outside?—Yes, I saw considerable numbers.

6625. Did it not appear in evidence before the Committee, that there were houses in which as many as 200 were present?—Yes, in some instances.

6626. Was it not stated by some of the witnesses, that in the public-houses thus open you might have what you liked, and there was nothing to pay?—I believe it was by one so stated.

6627. The privilege of being employed at 5*s.* a day as a canvasser was considered as one of the bonuses held out by the association, was it not?—Yes, at that particular time; I think a man I have seen here will give that information on his own knowledge.

6628. On the nomination day, did the members of the association receive any benefit?—The fact came before me that they did, by one that paid a large number and gave a list of them.

6629. And what were they paid?—Three shillings a day.

6630. Who do you refer to?—I cannot recollect his name, but he was a shoemaker at Bath.

6631. He was one of the men employed?—He was employed to pay them.

6632. And he stated he gave them how much a day?—Three shillings.

6633. For attending on the nomination day?—For attending on the nomination morning. It is right you should understand that it is only a short attendance in the morning.

6634. You think that another witness in attendance will be able to give more particulars of this from his own knowledge?—Decidedly, from his own knowledge.

6635. And you only know it at second hand?—Yes.

6636. Then you have no doubt whatever of this society having been intended as an instrument to promote the electioneering views of the Blue party?—Not the slightest.

6637. Did it appear that after polling they received any money or any order for drink?—At the bribery-box?

6638. At the bribery-box, in the way you described yesterday?—Yes; also what was called Blue beef at Christmas, which I believe was a cunning way of avoiding the name of polling-money.

6639. There was also a distribution of beef at Christmas, was there?—There was.

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6640. To the members of the Operative Society?—Yes, and to all who voted.

6641. It was distributed under the name of charity?—It was distributed very ostentatiously under the name of Blue beef. I saw some splendid oxen decorated with blue ribbons driven about the city about Christmas, and which were understood to be the oxen which were to be given to the voters on the Blue interest; this was Christmas 1832. I do not know whether I should remark here that there was another distribution of beef subsequent to the late election, ostentatiously advertised, which I will read. This is the Tory paper; the organ of the Tory party; Felix Farley's Bristol Journal, 21 March 1835. "A subscription, amounting to about 800 *l.*, has been raised in this city for the purpose of enabling the Conservative operatives to celebrate the triumph of their principles at the last election; it will be distributed amongst them in the course of a few days in bread and beef, that mode being considered preferable to a public entertainment, in which the wives and children of the voters would not have participated; the men will receive about 14 lbs. of prime beef, and three quartern loaves." I saw cart loads of bread, and in one or two places crowds waiting about to receive this. There is no doubt whatever that they did thus receive this which was promised, and the value is as near as possible the 7 *s.* 6 *d.* polling-money. A petition was presented to Parliament, setting forth these facts, but at the time it was ridiculed.

6642. What Session?—Now, in this Session.

6643. Is there anything further you can state with respect to the conduct of the society from your own knowledge?—I have heard that persons who split their votes were refused this beef.

6644. Who distributed the beef?—I rather think the tickets were given mostly by the churchwardens and vestries; not as vestries, but as members of the Tory committees.

6645. Were any of the vestry rooms made use of on this occasion?—I think I heard one was, but it is too vague for me to speak positively to; I saw a crowd round the place of the churchwarden or ex-churchwarden of the parish, where I carry on my business.

6646. On what occasion?—On the occasion of the last beef this year.

6647. You know it was for the distribution of the beef?—I have not the least doubt of it; beef or bread.

6648. Does anything more occur to you?—The purchase of the beef and bread was made of the different parties who voted for the Tories, and no doubt it was intended as a reward for their votes.

6649. Has the situation of watchman ever been made use of as a mode of rewarding voters?—It is suspected so; one watchman was turned away for putting the liberal candidate's papers in his window, and was tendered as evidence to the Corporation Commissioners, but they deemed it rather too personal to take; they would have taken it, but it was not insisted on, and therefore they did not take it.

6650. Has the distribution of bands and colours been made use of as a means of corruption of late years?—I think at the last election several votes were influenced by the hiring a band.

6651. At the election of 1834 was the application of freemen for beer incessant?—Yes.

6652. The election terminated at the close of the first day, did it not?—Virtually.

6653. Do you know anything of the reports made by the district committees of the state of the polls at the end of the first day?—Yes.

6654. St. Augustine, Mr. Palmer's report; what was that?—I have a copy which was taken down at the time.

6655. Can you give the report of the several districts?—Yes, I have them.

6656. Read them?—I will.

(Copy.)

REPORTS of Parochial Chairmen to the Committee of Sir *John Cam Hobhouse*, on the evening of the first day's polling, Bristol Election, 1834.

St. Augustine's.—Mr. Palmer.

"I think it likely that the Reform voters will be very backward in coming to the poll."

Bedminster.—Mr. Drake.

"There are a considerable number of freemen hanging off for the highest price."

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Christ Church.—Mr. Mauchee.

"We have from 30 to 40 promises unpolled, but they are not to be relied on."

Clifton.—Mr. Coates.

"The majority of unpolled votes is in our favour, but that majority would be reduced by circumstances."

St. James.—Mr. Herapath.

"There is a large majority of votes unpolled, about three-fifths of whom are standing off under the impression that votes to-morrow will be worth a sovereign a piece; I think the number may be from 400 to 500. The freemen generally say they want to see the King's picture."

St. Mary, Redcliffe.—Mr. Chamberlin.

"There is a considerable number of freemen, householders, unpolled; on the householders we can depend; those who are hanging back, having had their beef and beer, turned round upon us, and said they would poll to-morrow."

St. Michael's.—Mr. Hunt.

"There is a general difficulty in bringing forward our votes; they are holding back for something."

St. Nicholas.—Mr. Terrell.

"The influence in this parish is great, and it has been used excessively; many who promised us have been compelled to vote on the other side."

St. Paul.—Mr. Hane.

"Threats and intimidation prevail to such an extent that we cannot bring up the householders. The beer system only serves to brutalize the freemen, and nothing further can be done but by bribery."

St. Peter.

"We have a considerable majority of out-standing votes; about 30 or 40 may be brought up by using means."

St. Philip and Jacob.—Mr. Bromhead.

"We have not polled half; some of them having had their drink to-day, want it to-morrow."

Temple.—Mr. King.

"There are 285 to poll, of which we may poll 50 by *ordinary* means; the Blues may poll more by *extraordinary* means."

Upon that I counselled decidedly that the freemen should be disappointed in their corrupt expectations, and the candidates officially withdrawn.

6656*. The close of the poll disappointed both sides?—The close of the poll produced this effect, that many perhaps who would have voted for us went and recorded their votes on the other side, in order that they might get what little they could thereby. The poll was not closed; it was a withdrawing of the candidates, I should say.

6657. Was any money subscribed after the last election, or stated to be subscribed, for the purpose of purchasing beef to be distributed?—I have read an extract, by which it appears to be 800*l.*

6658. How many voters would that go to?—£. 800, at 7*s.* 6*d.* a head.

6659. Is 7*s.* 6*d.* the value of the beef?—Yes.

6660. How many voters would that sum of 800*l.* go amongst?—Rather more than 2,000.

6661. Were persons employed to collect money for the purchase of this beef?—Yes; I heard of the leaders of the Tory party collecting in great force.

6662. Were the two churchwardens of the parish of St. Nicholas collectors?—I cannot speak from my own knowledge.

6663. Do you know that the butchers employed to supply the beef were supporters of the Blue interest, the butchers and bakers?—I heard some little about it, but in a very loose and vague way; nobody would think of buying, except of their own party men.

6664. The distributors of the beef?—The distributors.

6665. Was Mr. —— one?—Yes; he was the one principal man in the Conservative Operative Association.

6666. Was the beef given away at the almshouses of St. Nicholas parish?—I recollect hearing something of the kind.

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6667. Did any of the 10*l.* householders, as well as freemen, participate in that beef?—I have had the names of two given me, but I should suppose they were a small number comparatively.

6668. Do you know the case of any person who did not receive the beef, but applied for it?—Yes; I heard of the case of a person who voted for Hobhouse and Miles, who was refused.

6669. Was it on the ground of his splitting his vote?—Yes, on that ground.

6670. Now, has intimidation much prevailed at Bristol?—Very much.

6671. Can you give any instance?—Yes; in one instance a friend of mine, of well-known liberal Whig politics, was applied to, to vote contrary to his known sentiments; because he refused to do so, business was withdrawn from him, from which he must have netted from 300*l.* to 400*l.* a year.

6672. In what way of business was he?—A West-India cooper. He had to part with his warehouses, and sell all his implements, and adopt a different line of trade.

6673. Was any threat held out beforehand, or was it after he had voted that the custom was withdrawn?—After he voted the custom was withdrawn. He was applied to by the party who withdrew it, who scarcely disguised that being his motive; I believe it is rather wished than otherwise that such an impression should obtain.

6674. That they will withdraw their custom?—Yes, and many glory in it.

6675. Was the cooper's name Rankin?—It was.

6676. Was it Alderman —— who withdrew his business?—It was.

6677. Do you know any other case of the same kind?—I have heard of a great number.

6678. Do you remember what was the case of a person of the name of Stratton, that came out before the Election Committee?—The same individual who withdrew his business from Mr. Rankin said he had an order in his pocket.

6679. This was during the canvass?—Yes; the individual went to him and said his men must vote for Sir Richard Vyvyan, and if he would not, he would take it back again.

6680. Did he endeavour not only to influence him but to influence his men?—Yes, he said he ought to influence his men.

6681. Were these the words used by the person who called on him during the canvass: "Dealt with as you are by the West-India interest, you ought not only to give your vote, but to do as other masters have done, influence your men to vote with us"?—I believe they were.

6682. You have read the evidence on that point?—I think I have; I believe I have read the whole evidence.

6683. Was the answer that Mr. Stratton gave to this effect: "I will not vote; and as to influencing my men, I will not do it on any account"?—I believe that was his answer.

6684. Did this follow: the canvasser said, "I have an order for some West-India casks in my pocket, which I shall not leave"?—I understood it was.

6685. But has any intimidation over the persons with whom the lower classes deal been exercised, such as beer sellers, or beer retailers, or persons with whom they deal, been exercised by the people over them, in order to induce them to vote as they wished?—No, I have never heard such a thing hinted at in Bristol.

6686. Then the intimidation applies principally to the middle class of tradesmen, who are influenced by the wealthy classes who deal with them?—It applies pretty generally: there is a poll-book published, in which the parties have been at the expense of putting the trade of each individual, which they must have collected at considerable cost to themselves, and this has been sent round to all parties who are known to be in their interest.

6687. And this has been done in independent parishes?—In independent parishes.

6688. Have you known that females and others have gone with these books in their hands?—I have no doubt of it; I have heard of it being done, and the object was to produce an impression if not the reality.

6689. To make them apprehend exclusive dealing?—Yes.

6690. Has exclusive dealing gone to any extent in Bristol, in consequence of votes given?—I think it has, to a considerable extent; but it is so difficult to clearly detect it. I have heard of such a thing as this: masters have said, "My men shall not go to your public-house, your beer does not drink Blue enough;" and the

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the men who frequented the house having left, seemed to imply that was the consequence.

6691. Do you remember the evidence given by Mr. Waters, the witness before the Committee of 1833, who said, "I never was a Blue in my heart, but was compelled to be a Blue through my employer"?—I recollect that passage.

6692. He was asked who was his employer; on which he gave the name of his employer, saying, "He is a strong Blue; I have worked under him for these seven or eight years"?—I recollect that passage.

6693. Do you recollect the case of Coffee, adverted to by a witness before the same Committee. A witness of the name of Kington spoke of Coffee, and his declaring, at a meeting of the Conservative Operative Society, that he had been deprived of his employment in consequence of voting for Protheroe; that he had a wife and family, and had become a Blue in order to obtain work?—I recollect Mr. Kington telling me of it.

6694. In the case of Mr. Rankin, the cooper, did he vote?—My impression is, that he abstained from voting.

6695. Did you hear that he urged as a reason for not voting, in addition to his politics, that his brother-in-law was then lying dead, which made him desirous not to take any part in the election?—I did.

6696. Do you know the case of a watchman of the name of Hobbs?—That is the watchman that tendered his evidence to the Corporation Commissioners.

6697. Was he dismissed from being a watchman in consequence, as he believed, of placing Mr. Protheroe's election bills and addresses in his windows?—I have not the least doubt of it.

6698. Do you know the case of Slade, a confectioner and pastry-cook in Park-street?—Yes, I know him very well.

6699. What is that?—I have heard him say that his trade was almost gone by it, and that persons have been called away from his door.

6700. What do you mean by that?—A person who has been going in has been called away by another, saying, "I would not go into the shop of such a Radical as that." A customer going in, another passing at the time has called him away. He has gone to America now.

6701. Do you know the case of Newman, a cabinet-maker, in Redcliffe-street?—Yes, I have heard of that.

6702. What have you heard?—That he lost a great deal of work, as he believed, owing to his vote.

6703. Do you know the case of Bevan?—Yes, I know him, and that he had been attempted to be influenced.

6704. Did you hear that he had been deprived of any parish work?—I think I heard that he had been deprived of the opportunity of erecting the hustings.

6705. Do you know the case of Mr. ————'s men?—Yes; I heard that he was a very violent man, and declared that no man should work for him who did not vote as he wished.

6706. Do you know the case of ————?—Yes, very well; I have a letter from him, poor fellow.

6707. Read it?—This letter I received; it is dated May 31st.

[*It was then put in, and read, as follows:*]

"Russell Cottage, Baptist Mills,

"My dear Sir, 31 May 1835.

"Most sincerely do I trust that you will pardon my taking so great a liberty of addressing to you this imperfect note. I beg to offer you my heartfelt thanks for your kind present of the articles of clothing you sent me by my wife; it was a most seasonable and handsome present. If you should have the smallest article to charitably dispose of, it shall be receivable with the deepest gratitude. I have six small children, which I find a very heavy burthen to encounter with. My eldest boy about eight weeks ago plunged his leg in a boiling furnace of liquor; he has suffered dreadful. This is all through Tory oppression of his persecuted father; it is a sad loss for me. My dear sir, I used to get my 30*s.* and 2*l.* per week, but now I am working like an African slave at the most filthy and disagreeable work you ever see, instead of a light genteel trade, which I had at ———— and ————. They have dissolved partnership. I could now return if I would; Mr. ———— has been my greatest enemy, and out of the concern; but

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but if I did I am sure it must be my changing my principles, and turning apostate to the righteous cause of my overburthened and oppressed country; but if I forsake my principles may God forsake me in the hour of death! I never will to please any tyrant on earth. In me my countrymen shall behold a faithful pattern of virtuous political consistency. The elective franchise I value as most sacred, and an important privilege vested in me for my country's interest. I rejoice at the formation of the Liberal associations; I do hope they will hold out a protection to poor voters in the freest exercise of their elective franchise, but I very much doubt whether it will be done effectually without the vote by ballot. My dear sir, people say, take the tax off knowledge and then the people will be enlightened more; but what use will it be to give them knowledge if they are to be persecuted in the exercise of that knowledge? Give them the ballot, and that will protect them from the hand of the oppressors, and deprive the reptiles of their foulest sting. I hope the excellent members of the Bristol Liberal Association will not hold the least act of bribery to the corrupt and degenerated freemen of Bristol. The man as will not go to the hustings and vote as he may believe for the best interest of his country, without the least idea of reward or gain, is a scoundrel, and ought to be the scorn and pest of all honest voters. What chance of happiness should I have at the Pottery if I was to return when Mr. ————, one of the masters, is the chairman of the Conservative Association? I have my own way now. I value my dear master, Mr. ————, to the bottom of my soul. He snatched me from the hand of the greatest distress. He is a kind employer and a sound patriot. And although my wages is not half the amount I have earnt, yet I enjoy a degree of happiness which many people may not think I can see. Dear sir, many people that would use to salute me with a "how do you do, Mr. ————?" that will not open their lips to me now; and what for? Because I acted as I thought for the best interest, and have not so good a coat to my back. But, my dearest sir, give me the clothing of the shepherd or peasant with the free exercise of my mind, in preference to be enslaved with fine clothes and better living. Either I hope the Ministers will stick to the Corporation Bill, and give the suffrage to householders of all rents, and not to the mere contemptible freemen, or if they do, they will sell in that way also, and it will be as bad as ever. They are as big a set of rascals as ever lived under the canopy of Heaven, and ought to be disfranchised. Once more, my dear sir, I offer you my best thanks for the kindness you have shown me. The kindness of the several gentlemen of the late Reform Committee will form a theme for the sweetest and grateful reflections. With every sentiment of the deepest respect, and wishing you every happiness the world can give, I remain,

"Your faithful and devoted humble servant,

"—— ————."

This man was turned away for having declared resolutely that he would vote for the Reform candidates, when Messrs. Protheroe and Bailey were returned in 1831.

6708. Do you know of any voters declining to register their votes in consequence of their apprehending the consequence of being pressed to vote contrary to their consciences?—Many have told me so; some have subscribed money to prosecute the election petition, who have told me they were in that situation.

6709. Do you know of any instance of persons who have registered their names, but who have declined voting for the same reason?—I have heard of many.

6710. Do you know of many of those who have subscribed to prosecute the election petition of 1833?—Yes; I think two or three instances came under my own observation.

6711. Do you know of many instances of persons voting against their political opinions?—Yes, I have heard of many.

6712. And do you know many of those who have actually voted on one side and have subscribed on the other?—An instance of the kind came under my observation; in another instance, 5*l.* was subscribed towards the election by an individual who voted against us.

6713. Is the publication of printed lists of the voters viewed with great apprehension by tradesmen?—I believe a good many do not like it at all, because they apprehend parties in possession of it will look and see who are on each side, and so give the Tory the preference to the Liberal.

6714. Has

6714. Has the Blue party printed a list of the poll in such a manner that you can divide it into parishes?—They have; this book is an instance.

6715. And they have circulated such parish lists?—I understand they have generally, besides the whole poll-book, which I have seen elsewhere.

6716. Have the sheriffs interposed any difficulty in giving copies of the register?—The under-sheriff would not give a copy of the register of the past year at first; he would not concede it as a right.

6717. Did he require that a reason should be assigned as to what purpose it was wanted for?—Yes, he did; not the current year, but the previous year.

6718. Is he not compelled, under the Reform Act, to furnish a copy?—I think he is; he says he is not. He says he is for the current year, but the past year is nothing but waste paper.

6719. Now, is the mode of canvassing accompanied with any degree of intimidation?—I think so, decidedly.

6720. Large bodies of influential wealthy men go round?—Very large bodies indeed.

6721. The members of the corporation, together with the principal merchants and the members of the parochial vestry, do they go round together?—They do.

6722. Almost filling the shop of a tradesman?—More than filling some.

6723. Was the official residence of the sexton, in Redcliffe parish, a house at which the committee in the Blue interest sat during the contest?—I have heard so.

6724. Did you ever hear of the parish-vestry flag preceding the voters as they were led up to the poll?—Yes; I have seen it often.

6725. With the church painted in the centre?—Yes; there was a beautiful picture of the church in the centre of the flag.

6726. Did you ever hear, that under the old system this was the house at which the parish voters were paid 7*s.* 6*d.* a man?—Yes, I have.

6727. Did you believe it to be true?—Yes, I did.

6728. Have you seen the flags of other vestries carried up at the head of other voters going up to the poll?—I have seen a great many flags with "Church and King" on them, and I have seen similar flags on the churches; I apprehend they were parish flags.

6729. What is the feeling at Bristol on the subject of the ballot?—I think there is an immense majority in favour of it.

6730. Amongst what class?—The lower class.

6731. What is the feeling, do you think, among the ten-pounders?—I should say a very large majority in favour of it.

6732. Do you think there is an increased feeling in favour of it?—Decidedly.

6733. To what do you attribute that?—To the barefacedness of the recent practices of intimidation and corruption, and their successful results; many of my friends, myself included, have not been advocates for the ballot all through.

6734. But have become converts to it?—Yes, as the least evil.

6735. Do you think it would tend to allay irritation at the time of the election?—Very much.

6736. Even if men should afterwards disclose their own secret?—Yes.

6737. It would allow time for the irritation to subside?—They could not systematically arrange them; they might find it out, but it would not be generally known.

6738. If bold men chose, either before or after the election, to disclose the manner in which they intended to vote or had voted, still it would serve as a protection to all timid persons?—I think it would be a very great protection, notwithstanding every individual vote might be ferreted out; it would not produce the same effect as if it were originally recorded in the poll-book.

6739. And the power of having recourse to absolute secrecy in cases of necessity would embolden men perhaps to let their sentiments be known, even although the ballot existed?—I have no doubt that that would be the ultimate result, because intimidation, if unsuccessful, would not be persisted in.

6740. Is there any other point on which you wish to give evidence, as connected with the corruptions prevailing in Bristol?—Yes.

6741. Does placing the drawing up of the registry in the hands of parties of any political interest have the effect of intimidation on the voters?—Very much; I apprehend that a voter rated at 4*l.*, although he should pay 12*l.*, would be intimidated from claiming to be placed on the register, from the apprehension that the parties would rate him up higher.

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6742. To his full value?—If not to his full value, higher than before.

6743. And thus subject him to the payment of extra rates?—Yes.

6744. Does he fear favour or disfavour in that respect?—He fears, if he is a Liberal, to claim his right, and therefore is not on the list. I would hand in, in furtherance of this point, a list of the parishes and their respective relations of assessment to value.

[*The list was then put in, and read, as follows:*]

Poor Rates' Assessment, Bristol.

Proportions of assumed Rental on which Assessment is made in the following Parishes:

All Saints	one-third.	St. Mary-le-Port	one-third.
St. Augustine	two-thirds.	St. Nicholas	half.
Castle Precincts	half.	St. Peter	ditto.
Christ Church	two-thirds.	St. Philip and Jacob	one-third.
St. Ewen	ditto.	St. Stephen	two-thirds.
St. John	ditto.	St. Thomas	ditto.
St. James	ditto.	Temple	ditto.
St. Leonard	one-third.	St. Werburgh	half.
St. Mary, Redcliffe	two-thirds.	St. Paul	two-thirds.
St. Michael	ditto.		

John Scott, called in; and Examined.

John Scott.

6745. WHERE do you reside?—At Bristol.

6746. What business are you?—A cabinet-maker and joiner.

6747. How long have you lived there?—All my lifetime.

6748. Were you secretary of the Conservative Operative Association?—Yes.

6749. Is that a copy of the rules and regulations, (*handing a book to the Witness*)?—Yes, they are.

6750. When was that society instituted?—I think it began in the month of June, two years and a half back, previous to the first election after the Reform Bill; about the month of June 1832.

6751. Who engaged you to act as secretary?—I was nominated by myself, in the manner I have stated; I was secretary, because I rose them, and it was sanctioned by the men who were there.

6752. What do you consider to have been the object of the association?—The electioneering system, that was the object; I rose them by myself.

6753. Whatever may be the reasons assigned for it, you believe that was the real object?—That was the object; I was the first person who rose them, got them together.

6754. Was there much canvassing took place in order to induce freemen to become members?—I went myself to several, and so as well as we could we got them together.

6755. The men that you employed to go round to speak to freemen to come and belong to the society, they received wages?—I did not employ any person.

6756. But you have heard they received wages?—Dudley was one of the committee, and he said they gave him 5 *s.* a day for two or three days; he is dead now: his name was Cornelius Dudley.

6757. The members of the society were to consist of freemen?—Only freemen.

6758. They were all to be in the Blue interest, were they not?—It was decided to be so.

6759. Did the members of the society sign an agreement that they would support the candidates on the Blue interest?—Not sign it; it was put down by the person who attended as secretary; the members themselves did not sign it.

6760. The operative members of the society were not to contribute towards the funds of the society, were they?—Not in the least.

6761. There was another honorary class, who were to contribute?—Yes, the honorary members; those who paid 5 *s.* each a year were considered honorary members.

6762. What was the nature of the committee of honorary members?—I cannot say; Sircom and John Cross called themselves of the committee.

6763. You do not know much about that?—No.

6764. Do you anything about the subscriptions made by honorary members?—Subscribing 5 *s.* made them honorary members.

6765. Did

6765. Did not some of them subscribe more than 5 *s.*?—Yes.

6766. Have you any list?—Yes.

6767. Can you produce it?—Yes.

6768. Was there any person besides yourself who was employed to collect subscriptions?—Sircom went about, and Goldney went round.

6769. But there might have been gentlemen who subscribed larger sums than 5*s.* a piece?—There was; there were gentlemen who subscribed 2 *l.*; Mr. —— gave 2 *l.*, but Sircom never told me what he received.

6770. What was it the members of the society did when they met together?—Only put their names down; after that they received a pot of beer when they put their names down.

6771. Did they not meet at the public-houses in the different parishes?—Not till just before the election.

6772. About October?—October was the first time I collected them together.

6773. Then they began to meet at different public-houses?—There were different public-houses at which they put their names down.

6774. The Castle and Ball was the first place where they were called together, and the Sugar Loaf?—Yes.

6775. And the Griffin?—Yes, and the Bell in Bread-street. That was calling the trades together; we only had two or three places to register their names.

6776. The freemen who met at these public-houses, they called for drink, I suppose, and did not pay for it?—They never paid for it.

6777. They called for what they liked?—Generally; Sircom, in a great measure, paid for it; it was in different sums, according to the people who were there; sometimes it was 3 *l.* or 4 *l.* or 5 *l.*, and sometimes only 14*s.*, more or less.

6778. Had you anything to do with paying the bills?—Never; only the time when I called the men together, of which I had the directions from the book.

6779. Did you keep in your own hands the money that you collected?—Yes, I kept it in my own hands.

6780. Did you receive no other money?—No other money; what was received Sircom received.

6781. And you expended no other money but what you received there?—No other; I expended a little money of my own.

6782. You did not receive any money in larger sums than that?—No, none larger than those.

6783. What did you tell the freemen when you asked them to belong to the society?—I told them the society was to support the Members in the Blue interest.

6784. How many of these freemen have you ever seen together in one public-house?—Perhaps 200 or 300; I have seen a vast number. The Castle and Ball is the place where I saw the greatest number, on the occasion of their entering their names there.

6785. How many times did you meet in the week, as you came near the election?—Two or three times in the week, to the best of my recollection; in fact, every day, at one house or other of them: we had a meeting every evening in one house or other.

6786. On a member of the Operative Association presenting himself to one of these public-houses, he would not have been turned out?—No.

6787. Then the 5*s.* a day, to go round and canvass, was considered pretty good pay?—The man was a tiler and plasterer who was employed to go round; his name was Cornelius Dudley.

6788. Now, on the nomination-day, what do you know of any money being given to the members of this society to attend?—I believe the nomination was half-a-crown each of them, and 6*d.* for drink.

6789. They were to go and hold up their hands for the candidates in the Blue interest?—Yes, and to meet in St. James's churchyard.

6790. Was there not a parchment at the Castle and Ball, which the members of the society signed?—Yes.

6791. What was that?—That was an invitation to the candidates in the Blue interest to come forward.

6792. On the nomination-day a person had a ticket, had he not?—Yes.

6793. He got a metal ticket?—A tin ticket.

6794. And he had a pot of beer for that?—Yes, a pot of beer and half-a-crown.

6795. Did any of the men apply for more than one ticket?—Not that I ever heard of.

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6796. Now, did the committee of this society assist in bringing the men up to the poll?—Yes, some of them did assist in the different public-houses.

6797. Was there any polling-money distributed?—Not that I ever heard of.

6798. Do you know anything about the distribution of beef after the election?—Yes.

6799. What can you say about that?—It was given to those who polled in the Blue interest.

6800. Had you any of it?—Yes.

6801. Who gave it?—It was given by subscription; ——— bought the cattle.

6802. How much did you get?—Being one of the men in office, I had the head and heart, and a part of the beef as well, about 15 lbs. or 16 lbs. weight. Each of the committee-men had the head and the heart, and a piece of the beef besides; we were not confined to any particular quantity; we were to take what we liked, in reason.

6803. Do you mean to say that you set on foot this society entirely at your own suggestion; nobody gave you a hint of it?—Nobody at first; a good many gentlemen told me to go on with it after I had began it.

6804. Were those gentlemen in the Blue interest?—All of them.

6805. Were they poor men or rich men?—Rich men, a great many of them.

6806. Any aldermen among them?—Yes.

6807. Members of the corporation?—Yes.

6808. Have you not any subscription-book in which the honorary members wrote their names?—I have not; Sircom has one, and Goldney.

6809. Did you ever see any such book?—No.

6810. How many members of the corporation suggested to you the forming of this society?—Seven or eight; their names are in the book.

6811. What book?—The book before you.

6812. Take that book and tell us how many?—I think about seven of them of the common council and aldermen.

6813. Was the mayor one?—The mayor that now is was one.

6814. Was any of the committee-men in the Blue interest among the subscribers?—Some of them.

6815. The secretary of the committee in the Blue interest?—Yes.

6816. How much money was paid at any public-house for drink on one night?—Why, it was at the Castle and Ball I paid 4 *l.* or 5 *l.* myself; I never paid anything except at that house.

6817. What did the committee-men, the members of the Operative Society, receive for their services?—£. 5. each of them.

6818. Now, did this society expend any money in taking up freedoms?—Not at that time; there were funds raised for that purpose, but some of them spent the money, and there was no money left to take up freedoms.

6819. They intended to do it?—Yes.

6820. Are you sure that none of the money of the Operative Society was spent for this purpose?—I do not know that it was; it was after the election that the club was raised.

6821. Were there any suppers?—Yes, many suppers.

6822. That has been long the practice?—That was generally the practice, the night after we had done business, with the committee.

6823. The committee, besides drink, had a supper too?—Yes.

6824. Did that come out of the funds of the committee, or who paid for it?—I cannot tell.

6825. The members of the committee did not pay for it?—No, they did not pay for it out of their pockets.

6826. Do you think that a freeman who votes in the Blue interest has a better chance of obtaining relief from the charities in Bristol than if he voted on the opposite side?—In some he has, but in some he has not; it depends on what aldermen the gifts are under.

6827. Has he a better chance on the whole if he votes in the Blue interest?—Yes, and has a better chance of getting a child into the school.

6828. The members of the Conservative Operative Society, you think they would have a better chance of getting charitable relief?—Yes, because they get a recommendation from the committee.

6829. Do you know any men who have applied for charity and were refused because they have voted on the Liberal side?—No, I cannot say I do; I know some time back there were many instances; I could have recollected when I was here before. They have a mark which they make on the petition. The clergyman when he sign it makes a bit of a mark, and so the party knows the ground on which he is working, as I have been informed.

6830. Were there any members expelled from this Operative Conservative Society because they were supposed to be inclined to the Liberal party?—A vast number.

6831. Would a man be admitted if he had intended to split his vote?—They never propose to split their votes when they first enter; they get no beef those that split their votes.

6832. Do you believe those 5 *s.* subscriptions which you and others collected were sufficient to meet the expenses of those suppers and drinking in the public-houses?—This was only to get them up. Some gave 5 *s.* and some others 5 *s.*; one gentleman gave 5 *s.* and another gentleman gave 5 *s.*

6833. Do you know the names of any of the gentlemen who gave more than 5 *s.*?—Yes.

6834. Were they any members of the corporation?—Yes.

6835. Was you recommended to attend the Committee in 1833, the Election Committee?—Yes.

6836. Did you attend?—Yes.

6837. Did you give any evidence?—I never was called upon.

6838. Did any person apply to you, or threaten you if you gave full evidence?—No.

6839. Do you know anything about the history of former elections, what was done?—How far back?

6840. How far back were you concerned with any election in Parliament?—Ever since the year 1802.

6841. What used to be done at those elections?—We generally used to pay polling-money and give beer, the gaining Members; those who lost never gave anything; the first I recollect being given was 4 *s.* 6 *d.* a side, the last was 7 *s.* 6 *d.*

6842. Both sides used to give polling-money?—Yes.

6843. Both sides used to open public-houses?—Yes, they would open houses, and give drink.

6844. Has that been much diminished of late years, the opening of public-houses?—Yes, for the last two elections; ever since the "heavy wet" election there has been nothing heard of.

6845. Men used to delay taking out their freedom till the election arrived?—Yes.

6846. Did they pay themselves for taking out their freedom?—The Members did, or the candidates' friends.

6847. And that after the polling began?—Till the last moment of polling.

6848. Were you ever employed as an agent in any of those elections?—Yes.

6849. What election?—Sir Samuel Romilly's.

6850. Which side were you employed on?—On Sir Samuel Romilly's.

6851. Were any houses open then on his side?—Yes.

6852. Was any polling-money given?—Yes; not on his side, because he lost his election; I think Mr. Protheroe did.

6853. Were you employed in bringing up any of the out-voters?—Yes.

6854. What used they to allow an out-voter?—Only pay their expenses for them, and find them provisions.

6855. But as much drink as they liked?—Whatever they liked; their carriage paid for them, and all their expenses, and 7 *s.* 6 *d.* besides.

6856. There are some out-voters at Pill, I believe?—Yes, 28.

6857. Do they eat and drink much?—Only for the day.

6858. Were any public-houses opened at the last election for the voters at Pill?—Not that I heard of.

6859. Those voters from Pill used to be very dry and hungry?—Yes; it is a good way for them to walk, five or six miles.

6860. You recollect the election just before the passing of the Reform Bill?—Yes.

6861. There was no drinking then; it was a very dry election?—There was nothing

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nothing at all. It was Bailey and Protheroe, and it was then Mr. Hart Davis was thrown out.

6862. There was no treating before or after the election?—I do not recollect that there was.

6863. Have men gone back to their old practices since that election?—In what way?

6864. In liking to eat and drink?—They like it if they can get it.

6865. What do you think induced them at that election to be ready to vote without asking for meat and drink?—At the Reform election?

6866. Yes?—They called them Reform mad at that time; no one opposed them. There was Mr. Hart Davis's name, but he never came forward.

6867. Did the members of the different trades pay for their own processions?—Yes.

6868. That has been rather an expensive proceeding to the candidates in former times?—Yes.

6869. In any of the last elections have they paid for their own processions?—That I cannot say.

6870. Is there a cabinet-makers' procession?—Yes.

6871. Did you join that procession?—No, I never joined any processions since I was able to work.

6872. Is it understood now that the cabinet-makers pay for their own processions, or the candidates?—I believe they pay for their own; the colours are their own, and it does not require a great expense.

6873. They like a little drink if they can get it?—Perhaps they might get a guinea or two made a present to them to drink, and then those that carry the colours get something.

6874. You received money yourself for going up on the nomination-day?—No, I did not.

6875. You have received money in former times for attending on nomination-day?—It was never done before. In times back, I recollect on the day of chairing we were generally paid; on that day we got a guinea and a hat and ribbons, those who carried the Members, the sidesmen.

6876. In some of the late elections do you ever remember bribes being given?—I have heard talk of them, but I have never had any myself.

6877. Did you ever carry about any money yourself?—Yes, I carried last year the money I got for the subscription.

6878. In some of the late elections to distribute to the voters to induce them to vote?—Never.

6879. Used they to distribute after the election?—Yes, the polling-money.

6880. Not more than that?—I never saw any more; sometimes it was 15 *s.* or 7 *s.* 6 *d.* a side, polling-money, the winning parties; that was a standing rule. It was 4 *s.* 6 *d.* when I recollect it first.

6881. Do you know a person of the name of ———— in Montague-street?—I cannot say I do.

6882. He split his vote, and was refused to have any of the beef that was distributed afterwards?—I do not know him, but I know some who split their votes who had only half the allowance of bread and beef, because they split their votes.

6883. Are the workmen generally expected to vote as the masters wish?—Mostly.

6884. Do you know of any men who have been dismissed because they voted against the wish of their employer?—At that time I could have named some, but I have not any particular proof of it.

6885. There are many who have been discharged, but the master does not assign a reason?—Yes.

6886. But they are dismissed?—Yes.

6887. Do you know of any shopkeepers who have suffered in consequence of their votes?—Not particularly.

6888. Beef has been distributed since the last election?—Yes.

6889. What do they call it?—I do not know any particular name for it.

6890. Did you ever hear it called Blue beef?—Yes, it generally goes by that appellation.

6891. Did you collect any of the subscriptions for that?—No.

6892. Who paid for that?—That I cannot say.

6893. Who

6893. Who received it?—Those who voted in the Blue interest; those who did not had but half allowance.

6894. Was it distributed by tickets?—Not by tickets; the meat was numbered, but not by tickets. We had an order to get it at the butcher's; in our parish, it was given at the almshouses.

6895. In what parish?—St. Nicholas parish.

6896. Who were the persons who distributed it?—The churchwardens of the parish.

6897. The committee of the vestrymen in the different parishes in Bristol in the Blue interest?—Yes, some of them.

6898. Is there not one parish where the majority of the vestry is in favour of the Liberal interest?—Not to my knowledge.

6899. There are some charities that are distributed by the parish, and not by the corporation?—Yes, in my parish.

6900. If a person is not in the Blue interest, has he much chance if he applies to the parochial authorities, unless he is in the Blue interest?—He has not so much chance of success, but there is certain money distributed indiscriminately among persons, whether they are freemen or not, every year; a housekeeper gets a guinea, and a person who is not gets 10 *s.*

6901. Does this Conservative Operative Association still exist?—Yes.

6902. What is it employed about now?—Only in relieving lying-in women. If a man is out of employ they give him from 7 *s.* to 10 *s.* perhaps once or twice.

6903. Are you a member of it?—No, not this long time.

6904. Are there any meetings at public-houses?—No, only the committee.

6905. Are they employed at all in assisting men in taking up their freedom?—Not that I know; they were once, but they failed.

6906. Do the people who belong to it care about politics?—Some of them do, and some not.

6907. Do you think the Operative Society has been doing anything in order to assist persons to take up their freedom six months previous to the registration that is now going on?—I cannot say; I have heard they are.

6908. What made you leave this society?—I saw things were not going on as I could wish exactly.

6909. What do you mean by things not going on exactly as you could wish?—I thought they were not supporting the interests of the country as I thought they ought to have done.

6910. What do you think they ought to have done to support the interests of the country?—To endeavour to support those Members who would set more trade a-going for us.

6911. In what way do you think they might set more trade a-going?—By abolishing sinecure offices, and so forth.

6912. You do not approve of their politics?—Not in that way.

6913. Had you any particular quarrel that made you leave?—No, not at all.

6914. Did you think that they were Reformers when you joined them?—It was I that rose them, and therefore I could not think that.

6915. You have become a convert to Reform principles?—More than I was, a great deal; I do not wish any of the parties to be so violent as I have seen them before now.

6916. Was it one of the objects of the society to assist the police in preventing riots?—That is one of our articles.

6917. Was that the pretence?—That was in the articles; it was not the idea of it when it was first raised.

6918. That was not named to them at that time?—No.

6919. Do not you think it was rather a pretence?—Rather so.

6920. One of the articles is to afford religious consolation in case of sickness; do you know of any case of that kind?—No, I never heard of it.

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6921. DO you live at Bristol?—I do.

6922. How long have you lived there?—Forty-four years.

6923. What is your business?—My business is an accountant and teacher of mathematics.

 6924. You

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6924. You are in the Blue interest, are you not?—I am decidedly, and ever have been.

6925. Had you anything to do with the formation of the Operative Conservative Association?—I had, after it had first commenced.

6926. At what period was it you were first acquainted with it?—I should suppose, as far as I can recollect, it was about August 1832, but I cannot say exactly.

6927. Is that a correct copy of the rules of the association, (*handing a book to the Witness*)?—No, I believe it is not.

6928. In what is it incorrect?—There have been fresh rules adopted since those were promulgated.

6929. Were these the rules at the first commencement?—I believe they were at the first commencement, but they are not at present.

6930. Have you a copy of the rules at present?—I have not one of them in my possession.

6931. In what essential particular have any of the rules contained in this copy been altered?—I cannot say.

6932. From what time to what time were these the rules of the association?—Till about June 1833. Those rules only existed from November until somewhere about June 1833.

6933. The society still exists?—Yes.

6934. You became acquainted with it somewhere about September 1832?—As near as I can guess.

6935. What induced you to become a member of it?—Nothing more than the interest I felt towards the association, and I wished to see the political unions divided which at that time existed in Bristol; that was the object I had in view.

6936. What was the principal object of the association?—The principal object was to preserve the peace of the city, to act in any emergency on behalf of the magistrates.

6937. It had nothing to do with electioneering politics?—It had nothing to do with electioneering politics. There are many members of the society who are of different politics to what I profess.

6938. I am not talking of what they are now, but of what they were at the time you joined them?—It has nothing more to do with the elections than these gentleman have to do with me, more than regards my examination. It bears no reference whatever to the election.

6939. You were not instrumental in the first instance in forming it?—I hope so. I did not commence it, but I took a very early part in it.

6940. It was formed in June?—It was formed very early.

6941. And you did not join till September?—Yes.

6942. Were you aware that one of the rules, the 18th rule, is "that no member should be admitted except of Conservative principles"?—Exactly so.

6943. "Upon evidence given of any person having entered this association of contrary principles, such person can no longer be considered a member." Are you aware of that?—Yes.

6944. None of the members of the Operative Society were to contribute towards the funds?—No, they were not necessarily bound to do so, although many did contribute.

6945. I am referring to what took place before the year 1832?—They were not necessarily contributors.

6946. Do you know any one of the operative members that did contribute during the year 1832?—Yes, many.

6947. Can you mention any one name?—Yes, I can.

6948. Mention it then?—Mr. ————, silk mercer, in Union-street.

6949. And out of the 1,150 members which are stated to belong to it about October 1832, that is the operative members, how many do you believe contributed towards the fund?—As far as my knowledge goes, (but I never had anything to do with it more than at the time of meeting,) I should say there were about ten or a dozen who contributed towards it.

6950. Do you believe that the principal funds were derived from what are called honorary members?—Decidedly they are.

6951. How soon after its establishment did it assume an electoral character?—It never assumed an electoral character; it began, and has gone on as it always was, a Conservative association.

6952. When

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6952. When you joined it were public-houses open at which members of the association might receive drink?—They were not opened.

6953. What do you mean by that?—When a house is open, I consider that the members are at liberty to do as they please in the house, provided they have a written order; I should distinguish a open house by that. They were not admitted to do as they please.

6954. What do you mean by that?—They were only confined to one 6*d.*; no member was allowed to have more.

6955. Six-pennyworth of drink do you mean?—Yes.

6956. Do you mean to say in no case they had more?—Not to my knowledge; if I knew of such a case I would strike the man off the book, and I have done it.

6957. In what capacity were you concerned or employed on behalf of this association?—I was never employed at all; I voluntarily took it upon myself.

6958. In what way were you concerned in it?—I took on myself the office of treasurer to the association.

6959. Who appointed you to that office?—The committee.

6960. Which committee?—The committee of the Operatives' Association.

6961. Not the honorary committee?—No; at the time I commenced it I did not even know that honorary members would subscribe to it.

6962. Were you an operative or an honorary member?—I am not an operative.

6963. You were an honorary member?—I considered myself a subscriber.

6964. Did you not see at the time you joined it, or afterwards, a printed copy of the rules and regulations?—That was long after I joined it that these rules and regulations were drawn up. It was on the 7th November that I gave those very rules which you see before you to be printed.

6965. Did you not know that there were two different classes, one the operatives and the other the honorary members?—Not when I joined it.

6966. Did you not know it in November?—Yes.

6967. Did you not know, according to those rules, that no fees were to be paid on entering, and no weekly payments were to be required from the operative members of the association?—Yes.

6968. And did you not know that it was contemplated that donations would be given by the honorary members of the committee?—Yes, decidedly so.

6969. And they were to be applied for the widows of freemen, and for freemen whom age, infirmity or sickness had rendered incapable of labour, or towards a fund for taking up freedoms?—It never was employed in either of the two cases; either towards freemen's widows, or taking up freedoms; never a single shilling.

6970. Were any of the sums so employed in providing for freemen who, from age, infirmity or sickness, were rendered incapable of labour?—There are cases in which an accident from a casualty, from a fall or what not, may induce us in a particular case to have given a man from 7*s.* to 10*s.* once only in a twelvemonth; he could not obtain it weekly.

6971. For what object were the funds of the association principally expended?—In lying-in cases and for those casualties; lying-in cases were generally about 100 or 110 a year; in the men's cases the average is about 70.

6972. Have you any copy of the expenditure of the funds of the association?—None whatever.

6973. What became of the books of the association?—I never had them in my possession.

6974. Do you mean to say that you never had any books; you, the treasurer?—I never had the books of the association in my possession; they belonged to the secretary.

6975. Do you mean to say that you never had a copy of the accounts of the association?—Of the accounts, but not the books belonging to them.

6976. You have had a copy of the accounts; do you mean to say that the principal part of the funds of the society were not expended in paying the scores run up at public-houses?—Certainly not.

6977. Were there not during the months of October and November, in short, during all the time preceding the election of 1832, weekly meetings, or meetings more than once a week, held at these public-houses by the operative members of the association?—Not to my knowledge.

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6978. Did all the accounts of the association pass through your hands as treasurer?—Till the 27th November I believe they did; on the 27th November, somewhere about that time, was the last I had to do with them.

6979. According to one of the rules, the 15th rule, which says, "that a treasurer and secretary be appointed, and that the duty of the former" (that is the treasurer) "shall be to account for all donations, fines, &c. with which he may be entrusted"?—Yes.

6980. Then the 17th rule says, "that the trustees or committee shall be at all times allowed to inspect every account of the treasurer, who shall be responsible for any sum or sums which may be received by him, or which may remain in his hands; and that the trustees be at liberty to require his security, on his own bond, to any amount not exceeding 100 *l.*, for the faithful discharge of his duty;" did you give any such security?—No; it was a mere nominal thing.

6981. What was the greatest amount of the funds that you at any time held in your hands?—The utmost at any time was 50 *l.*

6982. What recommendation had you in the first instance to the society?—Not anything but myself; I introduced myself among them as one who wished to see them flourish; I had no recommendation from any one, except from the long period of my residence in Bristol.

6983. Did you not inform them that you were acquainted with Alderman —— and the leading Blues?—Never such an expression came from my lips.

6984. Did you find any operatives who are not freemen of Conservative principles?—Very many.

6985. Did you attend the Election Committee in 1833?—I did.

6986. Do not you know Knowles gave in evidence on that occasion, that he was present on the night you were introduced, and that you then said of yourself that you were acquainted with Alderman ——— and the head Blues?—I never made use of such an expression in my life.

6987. I do not ask you whether you made use of any such expressions, but whether you were not aware that Knowles gave that in evidence?—Never.

6988. Did you attend all the evidence, and were you present at all the evidence given before that Committee?—Certainly not; no one was allowed to be present, or his evidence could not be received; we were kept outside.

6989. Do you give instruction in the family of Alderman———, or did you?—In his son's family I have, but not during that period.

6990. Who drew up those rules?—I did.

6991. You submitted them to Alderman ———, did you not?—I did.

6992. And he expressed his approbation of them?—Yes.

6993. And you ordered the printing of them?—I did.

6994. Did you employ any person to canvass among the freemen to join this association?—No, I never did; it was done by public placards, which stated there was to be a meeting for such a purpose. The printed placards through the streets of Bristol stated there was to be a meeting, and where it was to be held.

6995. Do you mean that you never recommended that two particular individuals should be canvassed in order that they might become members of the association?—Never with my sanction or with my knowledge.

6996. Do you mean that you are not aware that the canvasser received 5 *s.* a day?—Not to my knowledge; I never paid it to him or them.

6997. Were you not aware that the canvass for members was attended with some advantage to them?—No.

6998. Did you frequently attend the meetings of this society?—I do not think I ever was absent from one, from that time to this, when it has been a regular committee meeting; I cannot say as to the parochial committees, which I have not so attended.

6999. Did you attend any of the parochial meetings?—Only in my own district, wherever that may be.

7000. Where was that?—St. James's.

7001. Did you attend any other parochial meeting at any other parish?—If there was only one meeting in the week, I attended that, in whatever parish it was.

7002. Did you attend, at any other times, any other parochial meetings but in the parish of St. James?—Yes, decidedly so.

7003. In what parish or parishes?—I did at the Sugar Loaf; in what parish that is I do not know; I did at the Castle and Ball; that is in the Castle precincts or in the parish of St. Philip and St. James, I do not know which.

7004. Did

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7004. Did you attend any meeting at the Sea Horse?—That was not an operative committee.

7005. Did you attend any meeting there?—I attended a trades' meeting there; but it had nothing to do with the freemen, it had nothing to do with the Operative Society: you ought to be perfectly aware that the trades' meeting and the Operative Association had no connexion, had no interest in the funds whatever.

7006. What was the nature of the meeting?—That was a cabinet-makers' meeting, in which all who were interested in the trade, whether freemen or not freemen, householders or not, were there.

7007. What connexion had you with that?—Nothing more than I attended, through curiosity, to see how they were going on.

7008. Was that a Conservative meeting?—Yes; it was in opposition to one which had been called a week before in the opposite interest.

7009. Was that a meeting at which any freeman coming in might have what he liked without paying for it?—Certainly not.

7010. Do you remember meeting ——— there?—I cannot, after the lapse of three years, remember who I saw there; if I could remember the parties who attended at that time, I should be most happy to recognise them; but I do not know their names.

7011. Do you remember meeting Mr. ——— at the meeting at the Sea Horse?—I know a man of the name of ———, a cabinet-maker; but there are so many ———s in the trade, that I cannot say whether I did or not, unless he is specified.

7012. When you say that the men who attended at the meeting at the Sea Horse might have drink and not pay for it, do you know anything to the contrary?—Yes; I know they could not have what they chose to drink; they could not have whatever they chose to call for.

7013. Did they have any limited quantity without paying for it?—Yes.

7014. What quantity might they have without paying for it?—A quart of beer, which had nothing whatever to do with the Operative Association. It was a trades' meeting, and as distinct as John from Thomas from the Operative Association.

7015. Did you fill any situation in the Cabinet-makers' Society?—No, none whatever; I was merely a subscriber.

7016. Were any funds paid over from the larger society to the smaller?—Not to my knowledge.

7017. Did any pass from you as treasurer?—Not a shilling; not a penny passed through my hands; it came from the cabinet-makers themselves; the master cabinet-makers paid for that meeting.

7018. The master Conservatives?—I do not know whether Conservatives or not; I know I did not pay for it, or saw it paid, as each trade paid for itself.

7019. At the meeting at the Sea Horse did persons receive any tickets for beer?—I cannot say.

7020. Did you give any orders at the meeting at the Sea Horse for beer or for tickets?—It is very likely I did; I am sure I cannot remember whether I did or whether any other individual did.

7021. Were there any tickets given for receiving six quarts of beer?—Never such a thing; not at one place, or at any one meeting.

7022. How many quarts of beer did the tickets entitle them to?—Only one.

7023. Were you employed to distribute tickets for beer?—No.

7024. Entirely at your own risk?—Yes.

7025. Without any expectation of being repaid for it?—I did, decidedly so.

7026. How many such tickets did you distribute?—It is impossible for me to say, to give anything like an account of them.

7027. Do you mean to say that you will not give an account?—By no means, but that it is impossible for me to say the amount of those tickets.

7028. You never were paid for the tickets?—I never was.

7029. Do you mean to say you were not repaid for the sums you made yourself liable for; those tickets which you distributed for beer?—I did not receive one shilling.

7030. Has that been a loss to you?—It has not been a loss to me.

7031. Has that been made up to you in some other manner?—Whatever I allowed was allowed by the masters of the trade; the masters have allowed the

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cheques I gave, as I told the gentlemen here. The cheques that I had given were acknowledged at the particular trades at which I attended.

7032. Then, in point of fact, your cheques have been paid?—They were acknowledged by the different tradesmen.

7033. You had a discretionary power?—A discretionary power I may call it, with respect to its amount; I never allowed more than the amount of 6*d.*

7034. Do you know a person of the name of Graham?—Yes.

7035. What is he?—He keeps the Elephant and Castle in Castle-ditch; most of our meetings were held there.

7036. Did you give them any drink yourself?—I did; I wish you to understand that at this place there were no trades' meetings held; they were always Operative Conservative Association meetings that were held at Graham's.

7037. Did you give tickets there?—I did.

7038. And what did the man who held one of those tickets have, what was he entitled to?—Sixpence.

7039. Sixpence in money, or in beer?—It was understood to be 6*d.* in beer; I know nothing more than that it was 6*d.* worth of beer.

7040. Did you tell Graham that you would pay for the beer that he furnished on those tickets being produced to you?—Yes.

7041. And did you pay him?—Yes.

7042. And did you pay him out of your own funds?—Until the end of October I did entirely.

7043. Have you ever been repaid?—I have.

7044. By whom have you been repaid?—By various individuals.

7045. Were they gentlemen in the Blue interest?—Yes, gentlemen in the Blue interest. It was not only gentlemen in the Blue interest, but there were considerable sums advanced by the ladies of Bristol for the same purpose.

7046. How many tickets of the kind at a time were ever produced to you by Mr. Graham?—I think the highest number that ever I had from Graham, with the expenses of the committee, which averaged about 1*s.* per head each man, I think the amount so paid, and the highest number of tickets, was about 4*l.* 4*s.* at the largest meeting.

7047. For the expenses of one night?—Yes; I think it was 4*l.* 4*s.*; I am not positive, but I think, as far as I can remember, 4*l.* 4*s.* was the highest, including the expenses of the committee.

7048. Did you ever employ any person to attend at these public-houses to regulate the expenditure, and see it did not go beyond a certain amount?—If there was more than one meeting on the same day, I certainly did.

7049. Now, these meetings at Graham's were connected with the operatives?—With an operative society alone.

7050. Now, when did these meetings at Graham's begin at which tickets were distributed?—It is impossible for me to say; I should suppose somewhere about October.

7051. And when were they closed?—In the early part of December.

7052. At Graham's?—The middle of November.

7053. Now, were there any other meetings of the same description as those at Graham's and the other public-houses?—Yes.

7054. Name the public-houses?—I will; I will name one, which is the Sugar Loaf, in Nicholas-street.

7055. Any other?—I cannot remember precisely the names; they were held at others.

7056. Did you send round anybody to direct that these meetings should be closed at the public-houses?—I did.

7057. When?—It was before the nomination-day.

7058. After the writ issued?—Yes, I did it; as soon as I heard the writ had issued I stopped them.

7059. After the writ issued?—No, before.

7060. Did you send round Patch?—Davis is his name; he is called Patch Davis.

7061. Did you send him round to tell the publicans not to give drink any longer in the same way?—I did; not to allow anybody to have beer for the purpose of registration, or to have tickets given.

7062. What do you mean by that?—When a man enters the association only is it that he is entitled to a quart of beer.

7063. You mean registration in your association?—Yes.

7064. Do you mean then at these meetings at Graham's where the tickets were distributed, they were distributed only to men on their being registered?—Yes, decidedly so.

7065. Could they not go more than once?—Not to the knowledge of any of the committee. I would have struck him off in an instant were I to have known of a man applying a second time; such have been struck off for so doing, and have never been enrolled on the list.

7066. Do you mean to say a man could go once, but could not go a second time, and ask for drink a second time?—Never so without being struck off the roll.

7067. How many times a week were the meetings ever held at Graham's or the Sea Horse?—I do not believe there ever was but one meeting held at the Sea Horse.

7068. At Graham's then?—Once a week; I do not know that they were held as often as once a week.

7069. You do not know that towards November they were as much as three times a week?—I do not think they were held three times; if they were held twice, it was as much as I can bring to my recollection.

7070. Were you ever present at those meetings?—I never was absent from Graham's.

7071. How many men have you ever seen receive drink for those tickets at Graham's on an evening at one time?—I should think as many as 150 came to be registered from all parts.

7072. How many public-houses did you send round to on this occasion when you directed them to be closed?—I have no idea of the number.

7073. Was it as many as 27?—No, nor 17.

7074. Was it on the 10th November 1832 that you sent round?—Decidedly not; the election did not commence till the 10th December, and it was previous to that time, because I think we had a meeting on the 27th November for the express purpose of closing the association.

7075. Do you mean to say there was not as many as 27?—Decidedly so.

7076. Were there 20?—I should say no.

7077. Were there 18?—I should say not.

7078. Were there 16?—I should say no.

7079. How many were there?—I cannot tell.

7080. Then if you cannot tell, what do you mean by saying there was not 18?—The number was very small; from what I at present bear in mind, I should not think the number exceeded a dozen.

7081. Did you propose that the committee, on the nomination-day, should meet the members of the association in the different parishes?—I do not know that I did; I know that it was proposed.

7082. Did you together with others, or by yourself?—Others were there, but whether I proposed it I do not know.

7083. Did you agree to it?—Yes, certainly; but I cannot say I proposed it.

7084. Was it agreed that every man that came forward on the nomination-day in support of the Blue interest should receive 3 *s.*?—Yes.

7085. Where were you to meet in your parish?—In St. James's churchyard.

7086. Were you to proceed from thence to the Hall?—Yes.

7087. Was this carried into effect?—Yes.

7088. Was 3 *s.* distributed?—Yes.

7089. Out of what fund did the 3 *s.* come?—From a subscription among the ladies of Bristol and Clifton.

7090. From a subscription among the ladies alone?—Yes, from a subscription among the ladies alone.

7091. This subscription went into the fund?—No; it was connected with that day alone, and no other.

7092. How came it to be proposed at a meeting of the committee if it was entirely unconnected?—It did not form anything whatever of the funds of the association.

7093. It formed a separate fund, which the committee of the association might draw on?—Yes, for that express purpose and no other.

 7094. I thought

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7094. I thought you said just now the same tickets issued for drink were furnished by the ladies of Bristol?—Yes, I did so; that they as well as the gentlemen contributed to the funds of the Operative Association.

7095. Was that subscription of the ladies kept separate from that of the gentlemen?—Yes.

7096. You kept a separate book for them?—I did not.

7097. Who did then?—I do not know.

7098. Did you ever pay any money to ———— on account of the 3 *s.* which was to be distributed in that way?—If ———— was a member of the committee, perhaps I did.

7099. How much money did you expend in giving beer to the Conservatives?—The whole expense, as far as I can guess, and I believe I am speaking now within compass; the whole money from the time the association first commenced, until the 7th December 1832, a period of nearly six months, the whole expense in beer did not exceed 150 *l.*, I am speaking to the utmost extent, if it even reached that; I am willing to swear that on oath, if it is required.

7100. Did the members of the Operative Conservative Association sign any parchment, being an invitation to the candidate in the Blue interest to come forward?—Decidedly so, they did so.

7101. There was a room, was there not, in which tickets were distributed to the value of 3 *s.*?—Yes.

7102. Men put in their hands?—No, it was done as open as noon-day.

7103. How was it done?—I gave them the tickets myself.

7104. Where?—At Graham's, the Castle and Ball. With respect to the 3 *s.*, it was not confined to the operatives. Many who went in the character of constables, and there were as many who were not freemen as were, received the 3 *s.* on that day; it was for every man who went up, as a preventive of noise or disturbance. That I am ready to swear on oath; and I beg to say this, that the sailors and other parties who were engaged to keep the public peace were all paid in precisely the same way; they were only engaged for the purpose of keeping the public peace.

7105. Do you know anything of money that was distributed at No. 8, King-street, while the polling was going on?—No; I was not near that place.

7106. Had you anything to do with the distribution of what is called the Blue beef?—Nothing more than being a subscriber in the parish to which I belonged.

7107. Did you assist in distributing the beef?—Not in my own parish; but I saw the beef.

7108. Did you attend the day the beef was distributed?—I cannot say I attended at any one particular place; I saw the beef in a good many places.

7109. Did you or did you not attend at any place where the beef was distributed?—Not for the purpose of distribution.

7110. For what purpose then?—Merely to see the manner in which it was laid out.

7111. You were present then when it was distributed?—No; I was not at any one place where the beef was distributed, I only casually looked in before it was distributed.

7112. Did you subscribe towards the fund?—I did in 1835 subscribe my 10 *s.*, the same as any other committee-man in the district.

7113. It was given to those who voted in the Blue interest?—Whether householders or freemen; I wish that to be particularly expressed; and if they gave to one candidate one vote and the other the other, it was still the same; there was no distinction.

7114. Did you give to any householders who were not freemen?—There was no distinction made.

7115. They were all in the Blue interest to whom the beef was given?—No; you would not call a man who gave his vote for Sir John Hobhouse a Blue.

7116. Did any one receive any of the Blue beef unless he had given one vote in the Blue interest?—Certainly not.

7117. Then they had all given one vote or plumpers who received the Blue beef?—Yes.

7118. Did those who gave plumpers receive twice as much?—No.

7119. Was any man refused any beef because he had split his vote between the two parties?—I should say, certainly not; I have not heard one instance of it in the city

7120. Have

7120. Have you any book or books, or papers of account relative to the election, which you burnt before coming up to attend the Election Committee of 1833?—I never burnt a book in my life, to my certain knowledge; I never had them in my possession, except as I stated before to you.

7121. Were there any papers of any description which you burnt or got rid of in any other way previous to attending the Election Committee of 1833?—No, never; every book and paper was present, if they had been called for.

7122. Did you ever tell any person that you had destroyed papers previous to attending the Committee?—Never, upon my oath.

7123. What amount of beef was distributed?—Seven pounds of beef to each man in 1832, and 14 lbs. in 1835.

7124. Is this one of the tin tickets which were distributed, (*showing it*)?—Yes.

7125. On what occasion was such a ticket as that distributed?—When a man entered the association, and no other; that was for the amount of the 6 *d.* on his entering, and for no other occasion whatever.

7126. Did you give any evidence before the Committee in 1833?—No; they did not want it.

7127. To how many persons was the beef distributed; to how many persons did your benefactions reach?—I cannot tell the number of voters in every parish that accepted it.

7128. What do you imagine to be the amount?—I should suppose not less than 1,200 received it; it is impossible for me to say.

7129. What is the value of the 14 lbs. of beef?—According to different butchers.

7130. What was the sum total expended in beef?—I cannot give you an idea, because in some parishes they allowed them to take the value of 7 *s.* in beef or mutton, or coarser joints to the amount of 7 *s.* worth. I should say the average in beef would be about 7 *s.*, and seven times 1,200 is 8,400, which would make 420 *l.* It might not be half that number if you were to examine the poll-books; I am only speaking at random.

7131. One of the objects of the association was to give employment to freemen, in preference to those who are not freemen?—Yes; I am glad to say that has been strictly adhered to.

7132. And it recommended that all influence should be used by gentlemen with their tradesmen to prefer freemen, was it not?—Yes, without any party feeling.

7133. Do you mean to say it had nothing to do with freemen in the Blue interest?—No.

7134. What reason could there be for this attachment to freemen, independent of party feeling?—That I cannot tell. I had for years before the Reform Bill passed, in every job I had to do, always employed a freeman.

7135. You say it did not allude to freemen in the Blue interest?—It alluded to freemen generally.

7136. The freemen, however, of the association were all freemen in the Blue interest?—No, nor at the present moment.

7137. What were they then?—As much more against us then than now. Many more amongst the number then were of a contrary opinion to the Blue interest than they are at present.

7138. How many of the 1,150 were in the Blue interest at that time, in 1832?—Not more than 800.

7139. Do not you know that it was one of the regulations in that very book which you yourself directed to be printed of the association, that no member should be admitted who is not of Conservative principles?—It is very true what you state, it is very true, but still we found a great many who were not of Conservative principles.

7140. Was it not the intention that they should be of Conservative principles?—Yes.

7141. And they should be turned out if it were known they were of opposite principles?—Yes.

7142. But whether it was so or not, it was intended they should be freemen in the Blue interest?—We never mentioned Blue interest. It was Conservative principles.

7143. Was it not also one of the rules, that every member was to forward the individual interests of the association?—Yes, decidedly so.

 7144. And

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7144. And it was intended that the members of the association should be of Conservative principles?— Yes, but colour was never mentioned.

7145. Now you say in a former rule, that all interest should be used by gentlemen with their tradesmen to prefer freemen, and it was also a regulation that every member of it should forward the individual interests of the association; does it not also follow, according to the regulation, every member was bound to forward the individual interests of freemen of Conservative principles?—Yes.

7146. Then must not the freemen in the former regulation have alluded to freemen in the Conservative interest?—I do not understand your question exactly with respect to what you now propose.

7147. It was the regulation, that the members should forward the individual interests of the association?—Yes.

7148. And therefore that means the members of the association?—Yes.

7149. And the members of the association were, according to the regulation, intended to be in the Conservative interest?—They were intended to be so.

7150. Now then, when the other regulation, soliciting that all influence should be used by gentlemen with their tradesmen to prefer freemen, must it not, according to the other regulation, which says that every member should forward the individual interests of the association, meaning thereby members of the association in the Conservative interest, does it not follow that, according to your own rules, they were required to solicit that all influence with gentlemen and with their tradesmen should be used to prefer freemen in the Conservative interest?—It would not say freemen in the Conservative interest, but freemen generally.

7151. But the other regulation says that members should forward the individual interests of the association?—Yes, that the members should, but that the gentlemen should forward the interests of the freemen generally.

7152. If it were meant freemen generally, would it not be contrary to the other regulation, which says, "They shall endeavour to advance the interests of persons in the Conservative interest"?—I only speak from what I have seen generally. The members of the Conservative Association are bound to assist each other, but the gentlemen to prefer freemen generally in preference to strangers.

7153. Do you mean to say then that no use was made of this association for the purpose of advancing the political and electioneering interests of the Conservative party?—I do, decidedly.

7154. Although you have already stated that a resolution was come to, and agreed to at one of the meetings, that the members should attend and go up from the parochial committees on the nomination-day?—Yes; I state that again, that they were to protect the public peace of the city.

7155. We do not ask whether it was to protect the peace of the city, but was it not resolved at a meeting of the Operative Association that the freemen belonging to the association should attend at their parish, in order to go up at the nomination?—Yes.

7156. Then do you mean to say that no use was made of this association in order to promote Conservative interests?—Not as respects the Members of Parliament; decidedly not.

7157. Although they were to go up on the nomination-day?—They were not to give their support.

7158. What was the use of your society if it was not to support the Blue candidates?—The use of the society was to be active members in support of the peace of the city, and to give a protection to the magistrates whenever their assistance might be required.

7159. Do you think that the way to protect the peace of the city is to marshal men all belonging to one party, and to exclude all belonging to the other?—I have stated already that the Political Unions marshalled at the time more than 2,000 men in Broad-street, and that the freemen of Bristol, and others who joined them on the nomination-day, acted in no other capacity than as constables to protect the peace of the city.

7160. In whatever capacity they were to act, they were to receive the money?—Those who were not freemen received the same, and there were as many not freemen as there were freemen. Each member collected as many individuals as he could who would protect the peace of the city, whether free or not.

7161. Do you know of any money being distributed after or during the poll in 1832?—No money was ever distributed in polling-money.

7162. Never

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7162. Never mind under what name?—No money was distributed; I never knew of 1 *s.* being distributed.

7163. Did you hear of money being distributed at No. 8, King-street, during the poll?—I heard of 2 *s.* refreshment tickets being given.

7164. Did you hear of the refreshment ticket?—Yes; but not in money.

7165. You did hear of the house, No. 8, King-street, where tickets were distributed?—Certainly I did; it was mentioned in the House of Commons when I was there.

7166. Do you believe it was so?—I believe there was something termed the bribery-box.

7167. Do you believe that was the case, at No. 8, King-street, at which tickets were distributed after the poll?—Yes.

7168. You gave beef only to the voters?—There may have been some rations over which were distributed to widows and others who were deserving of notice.

7169. Were none of the members of the corporation honorary members of the association?—Not to my knowledge; the corporation possessed no influence as respects the election.

7170. Did not Alderman ——— tell you that he was desirous of being considered an honorary member of the Conservative Operative Association?—No, those were not the words; Alderman ——— only said he should be a subscriber; those were the words, word for word, which he used.

7171. Are you a member of any of the parochial committees for advancing the interests of the Conservative candidates?—Of a Conservative association, I am one.

7172. For advancing the interests of the Conservative Association?—Yes.

7173. Were those committees in each parish?—Yes.

7174. Did those hold evening meetings, as well as the general committee?—Not to my knowledge.

7175. Do you mean that you never attended any?—I have attended but two since the association has been formed, and that was not in or near the election.

7176. One of the regulations of the society, the 9th, amongst other objects to which the funds of the association are directed, mentions that it is a fund for taking up freedoms; were any of the funds of the association applied for that purpose?—Never; I think I answered that question before; neither for the relief of freemen's widows, nor for the taking up of freedoms.

7177. This was one of the objects?—No.

7178. Was it not one of the avowed objects?—No; it was a rule that was put in by myself and discarded.

7179. Then it was introduced and discarded?—It was introduced by me and approved of by the committee, but never acted on.

7180. Was it not one of the regulations?—It was.

7181. How long did it remain before it was discarded?—As soon as printed.

7182. Has it ever been put to the vote by the meeting of the committee that that part of the 9th regulation should be rejected?—I think it was the very first time the regulation was printed, that it never should form a part of their rules; the very first time after the rule was printed it was discarded.

7183. When was that, in 1832 or 1833?—Somewhere about the 18th of November 1832; the rule was discarded within a week; I think about the 18th of November 1832.

7184. You recommended that that should be one of the objects?—That is at first.

7185. Have any of the minutes of the committee been preserved?—I do not know; I now have nothing to do with taking notes of the meetings since February 1833.

7186. The 14th regulation is that a book shall be kept for the registering all names of members, and also the minutes of the monthly and other meetings of the committee?—It was done at first merely on a sheet of paper; no book was ever kept for the express purpose.

Lunæ, 6° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

John Wardell, Esq., called in; and Examined.

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7187. I BELIEVE you are, or have been, one of the churchwardens of the parish of Mary-le-bone?—I am one of the churchwardens; Lord Kenyon is the other.

7188. When were you so appointed?—I was so appointed at Easter last. The preceding year I was sidesman.

7189. Will you explain what is a sidesman?—Sidesmen are deputies or assistants to the churchwarden, and act as churchwarden in his absence.

7190. How many sidesmen are there in the parish?—Two.

7191. You are acquainted, I believe, with the mode of taking elections for vestrymen in the parish of Mary-le-bone, now adopted under Sir John Hobhouse's Act?—I believe thoroughly so. I have taken an interest in all the elections that have taken place since the adoption of his Act.

7192. When did the parish of Mary-le-bone adopt Sir John Hobhouse's Act?—We adopted it, I think, in December 1831, and it was brought into operation in 1832.

7193. The first election under Sir John Hobhouse's Act, took place then in May 1832?—Yes.

7194. I believe before the adoption of Sir John Hobhouse's Act, the parish of Mary-le-bone was governed by a self-elected vestry?—It was governed by a self-elected vestry. The vestry elected themselves. The appointment was for life. They elected from their own body the churchwardens, &c.

7195. How many elections for vestrymen have there been since Sir John Hobhouse's Act has been adopted?—Four.

7196. How many of those elections have been contested?—The whole of them have been contested.

7197. Which was the most violently contested?—The election of 1834 was the most strongly contested. Great excitement prevailed in the parish. It was a closer contest than any of the others.

7198. By what mode of voting is it that the rate-payers of the parish decided on the adoption of that Act?—They adopted it by leaving a form of notice at their houses which were to be filled up, for or against, as their feelings suggested.

7199. Were they allowed to vote for or against the adoption, without being present?—The paper was synonymous to a vote, a declaration in writing.

7200. Those papers were called for?—The paper was called for the next day after it was left; and when they were collected together, they were sealed up, and sent to the churchwardens.

7201. Each paper was sent by the individual?—Each paper was signed by the inhabitant of the house.

7202. Was there a great division of opinion in the parish as to the adoption or non-adoption of Sir John Hobhouse's Act?—I think it was adopted very generally. The great majority of votes were for its adoption.

7203. According to Sir John Hobhouse's Act, what number, what proportion of the whole of the rate-payers might vote, and what might be the majority of those who did vote?—One half of the rate-payers must vote, and two-thirds of those who did vote must be favourable to its adoption.

7204. Did more vote on that question, and was there a majority of those who did vote than were required by the Act?—Yes, considerably more.

7205. You have been present, I believe, if not at all, at least at some of the elections that have taken place for vestrymen since the adoption of Sir John Hobhouse's

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house's Act?—I have been present at all the elections. In the two latter ones I took part officially.

7206. Will you please to describe to the Committee the mode in which the votes are taken for vestrymen at present, under Sir John Hobhouse's Act?—Where a meeting is called to name fit and qualified persons for vestrymen, the first act is, on the chair being taken, for the churchwardens to nominate four inspectors of votes. Then the chairman calls on the body of parishioners or rate-payers present to elect other four.

7207. So that there are four inspectors, officers of the parish, and four chosen by the rate-payers?—Four considered to be appointed by the churchwardens, who are the returning officers, and four by the parishioners, who are interested in the election.

7208. Will you proceed to state what is next done?—After these are appointed, certain persons nominate those whom they think fit; they are then seconded; any number may be proposed and seconded; but they have generally been forty by each party. There was forty-five on one side at the last election, and eight only by the other.

7209. Any rate-payer may propose any candidate?—Any rate-payer may propose any one individual, or more.

7210. To the extent of the number of vacancies to be filled up?—To any extent. I think the Act does not limit the number.

7211. Is the number of the vestry unlimited?—No, it is 120; it has been usual to propose a list of forty each time, that is one-third; at the last election one party proposed only eight additional names.

7212. When; what party?—One of the two parties. On that being accomplished, the churchwardens proceed to make out an alphabetical list of the persons that have been proposed and seconded, and to fix it to the church doors and other places where it is customary to give public notice to the parishioners.

7213. How soon after the nomination day does the election day come?—The election begins the following morning, and continues for three days.

7214. Then there is time to print the names of all proposed?—They were printed in the first instance, but the parish did not print them after the first election.

7215. Then the manuscript list of those proposed is stuck up on the church doors?—Yes, and the churchwardens appoint a place for polling.

7216. How many are there?—On the first election there was only one place, which was the court-house.

7217. Was that found inconvenient?—I believe not so, not so at all; there were two rooms, there was no crowding about the door; some forty or fifty people might be standing about in groups, and before you got to the door there were persons with lists, putting them into your hand; and if they could with propriety, would solicit your vote.

7218. That was the first time?—Yes, the number of polling places in the first election was the court-house only. On the second election, it having been said that for so large a parish one was not sufficient, the churchwardens allotted three polling places, Langham-place, Dorset-square, and the court-house; the expense of having these polling places erected was objected to, and the porticoes of the district churches were used as polling places at the two last elections.

7219. Which answered the purpose?—Yes, without any expense.

7220. How many?—Four district churches and the court-house. The mode of proceeding to the election is, the churchwardens call on the collectors of rates, with their books, to be at the respective polling places of their districts, and there they also station an inspector of each party; the inspectors to see fair play, and the collector is to turn to his book and see whether the party presenting his vote is qualified, by having paid his rates, or otherwise.

7221. How nearly up to the time of polling must he have paid his rates?—I am not prepared to answer that exactly.

7222. Practically?—Within six months; I believe if the rates due in April are not paid by the 20th of this month, the persons will not be competent to vote in the course of this year. I give that only as my opinion. The collector and two inspectors are then at each polling place; the individual comes with his list filled up, as he thinks proper; he first gives his name to the collector, who says it is right, having marked his rate book opposite the name. The two inspectors are standing by the box, which is of course locked, and the list is put in through the orifice or

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aperture which is at the top of the polling-box. When four o'clock arrives, sealing wax and a candle are produced, and the inspectors and collector then take a piece of paper and seal the opening with their respective seals, and also the keyhole. They then convey it to the court-house, where it is locked up for the night. The following morning it is again taken to the polling place and the aperture opened, when the parties are assembled, and the polling goes on as before.

7223. The polling lasts two days?—It unfortunately lasts three days.

7224. Would one day be sufficient?—It is my own opinion, as well as that of others, that one day would be sufficient; but three days are unnecessary and very inconvenient. It takes the collectors out of their office at the busy time of the year, when families are in town; it is also a great tax on inspectors, who have no remuneration for giving up three days out of their business.

7225. As far as you have observed, are the lists generally printed lists, or manuscript lists?—They have been almost always printed lists.

7226. Did it ever happen that a man signed his list previously to folding it up and putting it in?—Never to my knowledge.

7227. Have you been inspector?—No.

7228. Then you have not seen the lists opened?—No; the inspectors have to report to the churchwardens when they have added up the names on the lists, and they bring a certified copy that the election has fallen on certain individuals.

7229. From what you have heard from the inspectors, do you say there are many lists with the names of the voters signed to them?—My opinion is that they are not signed.

7230. Then the voter delivers his list folded, and it is put into a box folded so that no person at the table can see what is written in the inside of it?—Certainly not; if he chooses he may fold it in any shape or manner he pleases.

7231. The Act requires it should be folded?—I believe it does.

7232. And the Act is strongly adhered to as far as regards the question that the paper should be folded when it is put in?—That is invariable; the aperture would not admit of the paper unless it was folded.

7233. You are standing by while the voters are looking on?—Being in office during the last two elections, and seeing we had five polling places and only eight inspectors, I thought it my duty to go from polling place to polling place most part of each day, to see all went on fairly.

7234. And you saw there a great many people voting, and every list, as far as you saw, was put in in such a state that you did not see at all what was written in the inside of it?—I did not see.

7235. Nor was it possible for any person standing near it?—A quick eye, if it was interested, would discover what paper it was; but it would only be a very scrutinizing person who could distinguish whether the printing withinside was from one press or type or another.

7236. But any individual voter wishing to conceal how he votes might put in a manuscript list?—Undoubtedly.

7237. And not have his vote subject to detection in the way you have suggested?—Certainly; the principle of voting is to presume that we go to the church door, inspect the list, and write any parties' names we like from the alphabetical list.

7238. Are there many of the lists put into the hands of the electors by parties waiting near the polling places?—In the three first elections that was the case, particularly in that of 1834.

7239. How many persons voted in the various elections at which you have been present?—At the election of 1832, 3,720 voted.

7240. Was that the greatest number of electors?—No, it is not.

7241. What proportion does that bear to the whole of the number of rate-payers entitled to vote?—My own calculation of rate-payers entitled to vote in Mary-le-bone is 7,500.

7242. What was the number?—The number that voted in 1832 was 3,720; in 1833, 3,525; in 1834, which was the severest contest, it was 4,743; and in the last election it was 2,191.

7243. Was the polling conducted in a manner perfectly quiet and undisturbed, so that it was very easy for voters to come to the poll and hand in their list?—I saw no difficulty or obstruction. There was, at the first election at the court-house, some individuals assembled, but I should scarcely say there were fifty, and of those many

many of them were parties interested, and those who took an interest in the first adoption of the Act.

7244. Is the same true about the later elections?—Yes, I saw no obstruction; at the last election so few people came up that the parties were tired of waiting without any thing to do.

7245. Are you of opinion that the largest number of votes, 4,743, might all have been taken in one day under proper arrangements, by multiplying the polling places?—If the polling places were as they were at that election, certainly; that is, five places.

7246. At five polling places, could you not poll 4,000 people in one day?—The poll is open from eight in the morning till four in the afternoon, and I think it might all be accomplished in one day.

7247. Now, although there was considerable excitement and feeling, nevertheless the poll was conducted in the most orderly manner?—Most thoroughly so.

7248. Has it ever been the practice in the parish of Mary-le-bone to make use of lists on different coloured papers, denoting the parties between whom the contest was supposed to lay?—It has never been used; there has been a mark set on several of the papers in this manner [*showing a list, which was printed across the back*].

7249. If it were the object of the voter to conceal his list, might not the opposite party have papers with the same device printed on the other side?—Yes, but the ballot taking place so soon after the nomination, there is no time for making those arrangements; it might all be obviated by each voter writing out his own list.

7250. And it is perfectly open to any voter, is it not, to make what alteration he may please in the printed list previous to folding his paper, to erase any names that he does not approve of, and to substitute any that he does approve of?—Any of those that have been proposed and seconded.

7251. The greater number of those that are put into the box, are they printed lists?—The greater number; we have very few manuscript lists.

7252. Are there printed lists without any manuscript erasures?—In the election of 1833, the erasures in manuscript were 152; in 1835, the altered lists were 140. I have not the numbers of the other two elections.

7253. Are the most of the lists brought by the parties beforehand, or do they receive them from the parties' hands who stand round the polling places?—They are sent from house to house previously.

7254. Sent by one of the two parties?—Yes, by each of the parties.

7255. Do you mean to say that at every house each of the lists is left?—It finds its way to every house.

7256. So that if any device was printed on the outside, with the view of making known how a party would vote, as he has a copy of each list left at his house, he might strike out every name contained in any such list, and write in the names of the opposite list?—Doubtless.

7257. And thus conceal entirely in what manner he voted?—Doubtless.

7258. Was it the practice originally, when the Act was first adopted by the churchwardens, to print lists and send them round?—In the first election, the churchwardens printed a list, or rather two lists, on one sheet of paper, side by side.

7259. They did not print the names of the candidates alphabetically, but they printed two separate lists?—Yes. Since that, it has been the custom to make one list out alphabetically, and to attach it to the place of public notice in the parish, namely, the church doors.

7260. Was this list made use of as a voting paper?—It might or might not. There were other lists printed besides these. This was the list that the parish printed on the first election, signed by the churchwardens.

7261. Then supposing this to have been used as a voting paper, would the names of the candidates whom he did not wish to elect be struck out?—He would divide that into two (there are two lists there, you perceive). There is a separately published list by one of the parties at the same election. The printing is partly in the same type as the last I have handed up to you.

7262. Was a separate list also printed by the other side on this occasion?—I think it was.

7263. Was it printed on the same coloured paper?—On the same coloured paper. We never had in our parish paper of two colours.

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7264. Was it printed on paper of the same texture or description?—I think it was.

7265. These two papers are as completely distinguishable as if they were red and black?—Yes, they are so. I think it was on different paper from the parish list. The paper on which the churchwarden's list is printed is of a superior kind.

7266. But supposing either party adopted a list on coloured paper, might not the opposite party, beforehand, have lists printed on different coloured paper, so as to suit their colour to any circumstances which might arise?—To have them printed on various coloured paper, in readiness, is that the question?

7267. Suppose one party prints a list on blue, the other party, not knowing beforehand what the colour would be, has lists printed on white, red, blue, or any other colour, and in this manner meet, or not meet any emergency of the kind?—It might be done so as regards colour; but they could not, by any spirit of prophecy, tell what type they would use, or shade of red, white or blue.

7268. The type is not seen?—I think it is; but it would be very difficult to distinguish.

7269. Each list is left at every house?—Yes, some time previous to the election.

7270. And every voter may, by erasure, introduce any names he pleases?—Certainly. If he chooses to adopt the parochial list, or any other list, he has only to erase the names there, and write them on the margin in the other.

7271. Is it your opinion that it is in the power of any voter wishing to conceal for whom he has voted to keep his vote secret?—Most certainly.

7272. Does this mode of voting give general satisfaction in the parish?—As far as I am acquainted, it does, quite so.

7273. Supposing votes to be given with papers folded in such a manner as to display those distinguishing marks at the back of them, are there any persons in point of practice stationed at the polling booths to see for which side persons voted?—I do not say in point of practice, but I say there are parties who take so much interest in these elections, who would be quite aware of a circumstance of that kind and notice it; these elections attract a great deal of interest with many individuals.

7274. Do these individuals, in point of fact, watch how the votes are given?—I think they do in some degree; I think they attend sometimes outside and sometimes inside, and observe.

7275. Do you think in so doing, under the mode in which the votes are now given, that, practically speaking, a large number of the votes so given are known, and in what proportion?—If it is worth the while of the party observing, they may know half the votes so given, which way they are given.

7276. In what way do you suppose they come to that knowledge, or do acquire it?—By seeing the outside of the paper, and from the impression of the type seen through it.

7277. But would it be possible for them to tell what alterations a voter thought proper to make inside of the paper before he put it in?—They would only say this is like such or such a list.

7278. The utmost extent they could come to would be to see who printed the list the voter puts in?—Certainly.

7279. But they could never penetrate into the knowledge of what alterations he made in the paper before he dropped it in?—Quite impossible.

7280. If there were any attempts to intimidate or threaten the voters, do you think they would have recourse to that mode of protecting the secresy of their vote by putting in the list with that mark on the side, and making the erasures inside?—It never occurred to me, nor did I ever hear of any one attempting to discover any vote.

7281. It is a very obvious mode, is it not?—Very obvious.

7282. In the event of a person having a very great influence over another, for instance, a person's workman being about to vote, would it not, under this mode of voting, be possible for him to stand somewhere near the polling place, and before the workman voted, oblige him to show him the list before he folded it up and gave it to the returning officer?—It would be a very arbitrary act; but it is possible with a person having very great influence over another.

7283. Do you think that a more arbitrary act than a landlord standing at the poll, cautioning his tenants how they voted, and seeing that his steward is there to marshal them and bring them to the poll, under a system of open voting?—I should

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should speak for myself, that nobody should compel me to show them my list; and I should be sorry to see it put in practice by either nobleman or gentleman.

7284. Nobody would dare to require of another man, of a voter, to show his list, unless the voter was under circumstances to submit to any thing which the person so requiring may please to exact from him?—I think the man must be in a state of degradation who did so exhibit it on compulsion.

7285. Have you ever been present at the polling place in a rural district?—I have given my vote in a rural district; I think I have voted in Cheshire.

7286. Have any such means of intimidation been had recourse to in Mary-le-bone?—Not that I am aware of; solicitation, of course, is not intimidation; great solicitation for votes has taken place.

7287. And does much canvassing take place beforehand?—Great canvassing.

7288. Is it pretty well known beforehand, from the answers given upon the canvass, what will be the result of the election?—I should think so.

7289. Do most of the voters declare beforehand how they intend to vote?—If it was worth any man's while to inquire, they might easily discover, I think.

7290. Do most of the voters declare beforehand to the canvasser?—I think so.

7291. Have you ever taken part in any canvass yourself?—No, I have not.

7292. Do not you believe there are a number of voters who, on a canvass, return a civil and polite answer, who do not announce their decided intention one way or other?—Certainly.

7293. And do they not return the same answer to both parties?—Without giving a direct negative, they may say, "I fear I am engaged," or otherwise, give a qualified refusal or ambiguous reply.

7294. Then there has been no intimidation and no bribery at these parish elections?—I believe not; certainly no bribery; I cannot believe any intimidation, except solicitation.

7295. No threats on the part of customers to withdraw their business from a tradesman unless he would vote as they wished?—I cannot answer that question; but I know pretty well that a great number of tradesmen in our parish would rather be without the elective franchise.

7296. I am not speaking of the elections for Members of Parliament?—I believe also, with regard to the elections, they feel themselves embarrassed at the solicitations of both parties, their customers.

7297. If they have the means of concealing in what manner they vote, how is it that this solicitation so embarrasses them?—Because it does not occur to men to endeavour to secrete. It implies a great deal of bad feeling to think of having recourse to hiding your every action. I do not think men intensely study to avoid its being known to them. This is one mode of canvassing, a person of some consequence leaves a card of that kind, and consequently a tradesman does not know how to act, if a good customer on the other side has also called on him. I have known persons who did not pay their rates up to the time on purpose to be disqualified.

7298. Are there not intimations to voters, and are they not frequently pressed?—Yes.

7299. Have they not the means of declining to make any promises?—They have; but it is very ungracious and unusual.

7300. From whom does this pressure principally come, from the wealthier customer, or from the more popular part of the rate-payers?—From both sides of the question.

7301. The result of the election has generally been in favour of the popular party?—Always so.

7302. Have any attempts come to your knowledge of a political party to copy out the rate-book, and to get a knowledge, a sort of classified list, of the rate-payers of Mary-le-bone?—I believe, in the course of last week, an application was made from Mr. Lloyd, the bookseller, on the part and behalf of the Loyal and Constitutional Association, to take copies of the rate-book.

7303. Do you believe that to be with a view to the parish elections, or the Parliamentary elections?—Probably to both. I do not belong to this Association or any other, and therefore I do not know its objects.

7304. Have you got any form of paper then?—On Saturday last it was mentioned in the vestry that this was doing at the request of this Association, on a paper the form of which I have here.

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7305. Give the heading of the paper?—"Name; Occupation; Number in the Register; Member; Friendly; Doubtful; Hostile; Observations."

7306. Can you state, out of the number who voted on any of these elections, what proportion of the votes were actually calculated on beforehand, as being well known in what manner the parties meant to vote, and how many of the votes were known beforehand that might be considered uncertain?—I should consider that always on one side there were between 2,000 and 3,000 known how they would vote.

7307. And the others are uncertain?—Yes, a certain number of the other certain; 900 or 1,000 certain.

7308. Are there a sufficient number of uncertain votes at any election to turn the election?—Certainly, if they would come forward.

7309. But of those who do come forward, is there a sufficient number of votes decidedly uncertain who actually do vote to turn the election; for instance, out of those 4,743, were there as many as 2,000 which were considered uncertain before the election?—The election was carried by a very small majority indeed in comparison with any other election; there was the least majority on that occasion; only a few hundreds.

7310. In a very strongly contested election is there a sufficient number of votes considered beforehand uncertain to turn the election?—Certainly.

7311. I believe no parties are allowed to be present in the room in which the polling is going on for vestrymen, except rate-payers?—It is in the open portico of the church that the polling takes place. At the nomination perhaps you mean; there a large assemblage of persons takes place, and then it is endeavoured that none but rate-payers shall be present; we place a beadle or two at the door, and say, "you shall admit rate-payers only."

7312. Now taking what is conjectured beforehand as to the manner in which the voters will vote, but taking also the knowledge that is obtained from their own declarations afterwards, how they have stated with respect to what proportion of the alleged votes, is it a matter of uncertainty as to what manner they actually voted?—I should think it is not a matter of uncertainty at all.

7313. There must be some who neither declare beforehand how they will vote, nor declare afterwards how they have voted, therefore with respect to some it is quite uncertain how they have voted; now what proportion of the whole do these uncertain votes form?—I should think a very small proportion indeed, as far as I am competent to judge. I do not know any body who would not say which way they voted, if asked.

7314. Are the balloting papers destroyed after the election for vestrymen has terminated?—I believe so; they are burned before the inspectors leave the room.

J. E. Hovenden, Esq. called in; and Examined.

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7315. I BELIEVE you are resident in the parish of Mary-le-bone?—Yes.

7316. And have taken considerable interest in parochial matters there?—More than was discreet, perhaps.

7317. Since what period?—For the last five or six years.

7318. You have been cognizant of all the elections of vestrymen that have taken place in the parish since Sir John Hobhouse's Act was adopted?—Of all.

7319. Have you been present at those elections, or how many of them?—At all, excepting the last, which was a farce.

7320. What do you mean by a farce?—There was no contest, no struggle.

7321. Is the mode of taking votes, as described by Sir John Hobhouse's Act, so carried on as to be perfectly secret?—It is quite at the option of the elector to make it as secret as he thinks proper; he may make it perfectly secret if he thinks it worth while.

7322. And, in point of fact, is that the general practice of the voters so to deliver their votes as that no person standing at the polling-place knows how they vote?—I can only answer for myself, that though my political sentiments as a thorough reformer are pretty well known in the borough, I have made it a point always to decline showing my balloting paper; and, on one occasion, I know Lord Kenyon, who, I need not tell the Committee, is a very strong partisan on the other side, but a very honourable man, would not use a printed paper, but wrote his list, in order that no one might know for whom he voted; and I believe the leading gentlemen on both sides of the question have made an especial point to observe secresy as to their ballot, a moral secresy, though it was pretty well known how they would

would vote; but they made it a point not to publish their votes, in order that protection might be afforded to those for whom it was essential.

7323. In fact they set the example of giving their votes secretly?—I believe that to have been the feeling on both sides.

7324. And where a voter comes in to deliver his list or voting paper, is it always put into the box folded in such a manner so that no person standing by can see what is written inside?—In the most severely contested election, which was that of 1834, I took an active part, and volunteered to attend from morning till the close of the poll in each of the three days, at St. Mary's church; I was not absent during the three days of polling a quarter of an hour during the whole three days, and I did not see a single voting list but what was folded so as to conceal the names put in. I have heard hundreds of persons declare the way they were going to vote, but that might have been all falsehood, they might put in a totally opposite list from that which they declared they intended to support.

7325. Did any of them before they folded the list hold it up and then fold it and deliver it into the box?—I saw two or three instances of the kind out of more than as many hundred voters.

7326. Is the polling so arranged that tradesmen may attend, put the lists in the man's hand, and watch him from that moment until he actually delivers the list into the box and see that it is not changed?—There was, at the polling place where I attended, a very active man of the party opposed to me, who carried about a list, saying "This is the Duke of Portland's list," and, I believe, in one or two instances he got persons to accept of that list which he handed round, although I know the Duke of Portland intended to take no part in the question.

7327. According to the mode of polling, would it be possible for partisans in this manner to watch the voter from the moment they put their list into his hands until the moment when he delivers the list into the box and to watch that it is not changed?—As it is done in the open air, there can be no difficulty about that.

7328. Have any such circumstances ever taken place?—In the instance that I mentioned, I saw two or three papers put into the hands of men who came up unprepared with any paper, and who accepted the papers offered to them; and I saw one or two drop those papers into the box.

7329. If there was a close and boarded passage through which the voter could pass up into the box so that he could be out of sight for an instant, might not that be obviated?—Most easily.

7330. In point of fact, you who was standing by the polling place did not know how the various voters voted, although you saw the papers put into the box?—No; I have a moral conviction in my own mind how 99 out of every 100 voted; but every one of them may have voted contrary to my expectations.

7331. That moral conviction, in point of fact, is gathered from your extraneous knowledge of the position and disposition of the voters?—From my intimate knowledge of the general political feeling of the parish.

7332. Have you ever taken part or been cognizant of the proceedings of any canvasses for vestrymen?—I have myself taken round the list of the party which I espoused, and left my own card with it at the houses of those persons who know me personally, and with whom I thought my recommendation might have weight.

7333. Are there not a great many voters who, when canvassed, give an answer somewhat politely and favourable, but not an answer indicating certainty or decision one way or the other?—Very many, and I always put those down as against me.

7334. But does it not often happen that, in the result of a canvass, there are a considerable number of whose votes you are not perfectly certain, whether they are disposed to vote for you or against you?—I think I can generally form an estimate whether a man will be for me or against me, if I converse with him.

7335. But notwithstanding, the man when he comes to the poll, voting in the way that Sir John Hobhouse's Act prescribes and is adopted in Mary-le-bone, he may vote either agreeable to your previous conjectures or contrary to them?—Undoubtedly; his promises he may totally depart from, and I know nothing whatever of it.

7336. What portion of the constituency of Mary-le-bone do you imagine to be in such circumstances as to make secret voting an object of any consequence to them, or any real protection to them?—I think with most tradesmen it might be of some importance; but I also think the strong political feelings of a great number of tradesmen in our parish would make them disregard consequences; I believe, however, that, practically, it would be a very valuable protection to about one third of our voters.

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7337. That it is in fact practical?—I think it is practically a matter of importance to one third of the voters, that they should have the protection of the ballot.

7338. Then you consider that the other two-thirds are either in such circumstances as not to need any protection, or that they are men of such ardent feeling that they would proclaim their opinion, whether they voted secretly or openly?—Yes; whatever might be the consequence.

7339. What is done with the balloting papers after the election has terminated?—It is the duty, I apprehend, of the scrutineers to destroy them; they ought not to be seen by any but the scrutineers.

7340. In point of fact, is that what has taken place?—I believe so; but, not having been a scrutineer, I cannot say.

7341. Do you think that if the election for vestrymen had been conducted *vivâ voce* like the Parliamentary elections, it could have taken place in so quiet and orderly a way as it does take place under the present mode?—I am quite sure it could not; the excitement always occasioned by a proclamation of the names for which parties vote would certainly have raised disturbance and confusion.

7342. Would there not have been considerable hooting and clamour, so as to embarrass timid or elderly persons coming up to the poll?—Whenever an obnoxious name was mentioned, it certainly would have excited hooting and shouting enough to terrify timid voters; and as in this election females are allowed to vote, they would have been kept entirely away, if the voting had not been by ballot.

7343. Does it ever happen that a voter, before he puts his list into the box, signs his name to it?—I never heard but of one instance. An ardent rate-payer in our parish I once heard declare that he would not seek the protection of the ballot, but would sign his list; I begged him to do no such thing, for although he might not value the protection, a number of his neighbours would find it very convenient not to have their votes published; and I reminded him that, if he made his vote public, it would set other persons on doing the same.

7344. Would it not have been an improvement in the Act to declare any list void to which the name of the voter was signed?—In my opinion most unquestionably.

7345. Or put any mark by which the voter could be recognized?—I should say that any vote which had any designation by which it could be known how the party voted should stand for nothing.

7346. Has any instance come to your knowledge in which tradesmen have felt uncomfortable in their franchise in consequence of being pressed thus by one party or the other?—Tradesmen whose customers are their wealthier neighbours of both political parties, are frequently much embarrassed; they do not like to give a positive negative to either party, and if they give an affirmative to each, they lose credit with both parties.

7347. Does this induce men to abstain from voting at all?—I believe many responsible rate-payers decline paying the rates until a later period than they would do, for the sake of not having their names appear in the list; I believe so.

7348. Would that apply equally to both?—Yes; rates must be paid as a previous condition upon which both the Parliamentary franchise and the parochial depend.

7349. Do you think their object is, in the non-payment of their rates, to avoid Parliamentary franchise or to avoid parochial franchise?—I believe that operates in both cases equally, and I think the ballot will never afford a full security against the influence of money in elections, until the rate-paying clauses both in the Vestries Act and in the Reform Bill are abolished; payment of rates must of course be enforced, but I think that should be done by ordinary process of law, without mixing up a constitutional right with fiscal regulations.

7350. In what way do you imagine the abolition of the rate-paying clauses would increase the security afforded by the ballot?—I think so, because until they are abolished, money will always have an influence in elections, in a way the law cannot reach. It will be impossible to prevent gentlemen from advancing money, nominally as charitable loans, to their poor neighbours, with a clear understanding they are not to be repaid, but to be applied to the purpose of paying their arrears of taxes; thus giving a great advantage to whichever party can best afford the expense of thus qualifying voters favourable to their views.

7351. Do you think this has been done at the elections for the vestries in Mary-le-bone?—It comes within my own knowledge that it has.

7352. And do you think it has also been done with a view to the Parliamentary franchise

franchise in Mary-le-bone?—On that I can only speak from suspicion, but the other I speak of from certain knowledge, from the declaration of one of my own friends, who stated that he had advanced money for the purpose.

7353. Did he state how many instances?—I believe he did, but I cannot say how many at this moment; I think I should not overstate them if I said 20.

7354. And this he did, although he could not be secured that the person to whom the money was advanced would vote in the manner in which the parties advancing the money would wish?—I think he must have felt a very full conviction that they would; he knew their inclinations before, and that the only thing that kept them from the poll was the want of qualification.

7355. Then these were persons whose political feelings he knew beforehand?—When an election takes place by ballot, nobody would be so blind as to advance money to enable any one to vote whose feelings he did not entertain a full conviction agreed with his own.

7356. He went on the presumption of their voting in this way, that they would vote agreeably to their political feelings?—He did, and I have no doubt his expectations were answered.

7357. Then you think, within one per cent. of the number of voters, it is known beforehand with tolerable accuracy in what way they will vote?—I think so; our canvass has always been carried on very closely.

7358. Has the result corresponded with the anticipations from the canvass?—Every man who has been canvassed by me I could put my finger on, and say which way he would vote; but in our extensive parish fully a third are not seen, are not canvassed at all.

7359. A full third of the voters; of those who actually vote?—Yes; they may very likely not be seen by either party; a number of gentlemen will not allow a canvasser to come into their houses; they will not see any party; and a number are out of town when the canvass is going on, but who come into town to vote.

7360. But, making the usual allowances, has the result corresponded with the canvass?—I rather expected in 1834 the result would have been a closer one; it was a close contest, but I expected that it would have been still closer than it turned out.

7361. What was the majority on that occasion?—About 400, the numbers polling being between 4,000 and 5,000; the majority was not more than 400.

7362. Did you get more doubtful votes than you expected?—Upon this occasion I was on the unpopular and losing side; I thought it would have been for the credit of the vestry to let in a few of our political opponents to witness the fairness of our proceedings, which I had no fear of their being able to control.

7363. So that the mode of voting, however closely you may calculate, does not approach to absolute certainty as to the result?—Certainly not; when I said I thought that of those who came up to vote I could tell the way in which ninety-nine out of every hundred would vote, I meant to exclude the cases of those who had not been canvassed, and of whom inquiries had not been made; of such voters I could form no opinion, previously to their coming to the poll, one way or other.

John Tidd Pratt, Esq., called in; and Examined.

7364. I BELIEVE you have been engaged in the capacity of returning officer at some of the elections for guardians of the poor under the Poor Law Act?—At the first election that has taken place for any parish within London.

7365. What parish?—St. Martin-in-the-Fields.

7366. Have you the regulations here?—I have brought with me the orders of the commissioners, which orders point out the mode of election, and the mode in which the votes shall be collected.

7367. Will you read the material parts of those orders?—Yes; the Committee are aware that the orders apply not only to the rate-payers but the owners of property. The orders directed, "1st. The administration of the laws for the relief of the poor in the said parish shall, from and after the first day of June now next ensuing, be under the management and direction of a board of guardians, and the workhouse or workhouses shall from thenceforth be governed, and the relief of the poor administered in such parish according to the provisions, powers and authorities of the said Act. 2d. The number of guardians who shall be elected to such board shall be 24, and no person shall be eligible as such guardian unless he shall be rated to the poor rate of the said parish on an annual rental or value of not less than 40*l.*

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3d. On the election of such guardians the votes of the owners of property or their proxies and rate-payers in the parish shall be given or taken in writing, collected and returned in manner following; (that is to say)—4th. The churchwardens and overseers of the parish shall, on or before the 14th day of May next, nominate a barrister of not less than ten years' standing to be the returning officer at such election, and 18 fit and proper persons to be collectors of votes and otherwise assist the said returning officer in such election, and shall submit to us the name of the person so nominated as returning officer, and the names, occupations and residences of the collectors for our consideration; and of our approving of such names the persons so named shall be the returning officer and collectors of votes at such election accordingly." The qualification of the rate-payer depends on his having been rated for a certain time and paid his rates, before he was entitled to vote. Books then were directed to be kept:—"The churchwardens and overseers shall provide a book or books for the entry of the names and addresses of the owners or proxies who shall send such statements and make such claims to vote as aforesaid; and of the assessment to the rate for the relief of the poor of the property in respect whereof they claim to vote." The regulations I have just read are framed according to the Act of Parliament, and therefore the Poor Law Commissioners could not travel out of them. The Commissioners then declare, "the claims of the owners of property in the said parish to vote at such election, with the statements required by the said Act, a place of address in the said parish where voting papers may be received and called for, and the proxies of such owners, shall be sent to the churchwardens and overseers on or before the 19th day of May next, and no claim shall be registered after that day." I was then directed to advertise in the newspapers, and to have fixed on the church doors the advertisement which states, "I do hereby give notice, that any rate-payer or owner of property whose claim to vote shall be duly registered in the said parish, is entitled to nominate any number of persons, not exceeding 24, duly qualified, to be guardians of the poor of the said parish, for the year ending 25th March 1836. But such nomination must be in writing, signed by such rate-payer or owner of property, in the form hereunder written, and addressed and sent to me, at the workhouse of the said parish, on or before the 22d instant, or delivered to me at the meeting to be held at the vestry room in the said parish, at the hour of ten o'clock in the forenoon of that day, being the day and hour appointed for declaring the names of the persons nominated to the said office of guardians."

7368. Was the word "owner" extended to leaseholders?—I should mention, that the only difficulty I met with was in determining the correct meaning of the word "owner." I could not satisfy myself, under the Poor Law Act, what "owner" did mean. The papers, containing the claims of "owners" to vote, as well as the nomination of guardians, were sent to the workhouse, directed to me. The claims of the owners of property to vote, and their names, were entered in books, taking the rental from the rate-book, the number of votes that each was entitled to, and the names and addresses of the proxies; the owners of property were entitled to vote by proxy, though the rate-payers were not allowed to do so. The Commissioners, by their rules, appointed the 22d of May to be the day of nomination, and a paper was printed to this effect:—

"Parish of St. Martin-in-the-Fields, City and Liberty of Westminster.

Names of Persons proposed as Guardians.	Residence, and calling of Persons proposed.

"I nominate the above to be Guardians for the said parish for the year ending 25th March 1835. "Signature and Address of Proposer."

This paper was directed to be sent before the day of nomination, or the day before the meeting, addressed to me at the workhouse, or to the care of the churchwardens; and I was to mark the number and day on which I received this paper. When I attended at the meeting on the day, I think there were about nine or ten different

lists given in; the whole number of guardians proposed was, I think, seventy-three, out of which twenty-four were to be elected. There had been a list of ladies put in as well, consisting of twenty-four, but I persuaded the party who put that list in to withdraw it, though if he had insisted on it I must have published it. I attended on the day of nomination, and had the names taken down from the nomination papers in the order in which they had been received. I should mention, that many of the lists contained the same names, of course; but seventy-two was the number of the persons who were eventually nominated to serve the office of guardians. The following is a copy of the voting paper:—"Parish of St. Martin-in-the-Fields, City and Liberty of Westminster, County of Middlesex. Initials of voters to be placed opposite names for whom he votes; persons proposed as guardians; residence and calling of persons proposed; amount of assessment of person proposed; names of proposers." With this instruction at the bottom, "I vote for the persons in the above list opposite to whose names I have placed my initials; entitled to so many votes." Then this is printed, "Take notice, that this paper must be carefully preserved by the voter, as no second paper will be given. When it is filled up, it must be kept ready for delivery to and ." On my attending on the day of nomination, the names and addresses of the eighteen collectors were given to me; and when I attended for the purpose of having the voting papers delivered to the rate-payers, I appointed two of these collectors for each of the nine wards into which the parish of St. Martin is divided. The voting papers were directed with the name and address of each rate-payer, and they were given, according to the wards, to each collector with a book, two collectors going together in each ward. When the books were given, the collectors were directed to deliver every paper according to the name at the back of it. On sending those papers round, every rate-payer was sent to, whether he was entitled to vote or not. These papers were, I believe, delivered according to the directions, and the collectors were directed to call for them after they had been left two clear days. As I mentioned before, each set of collectors had a book, in which the number was entered of every paper delivered, and he was directed to return every paper to me, or to enter in his book the answer which they received at the house when the paper was not returned. At the bottom of the paper there were these instructions given, "Take notice, this paper must be carefully preserved by the voter, as no second paper will be given; when it is filled up it must be kept ready for delivery to and the collecting officers, who will call for the same on the 28th day of May next; no other person can be allowed to receive the voting paper; if it be not ready for the collectors when they call, the votes will be lost; they will also be lost if more than twenty-four be returned in the list; and if the initials be not placed opposite any name not struck out, the votes will be lost as to that name. The voter, therefore, must be careful in striking out the names of those proposed as guardians, and for whom he does not intend to vote, and also in placing his initials against those for whom he votes; if the voter cannot write, his mark must be attested by a witness, whose initials must be placed opposite the name of the persons for whom the votes are given; if the proxy votes, he should sign his name, and add for whom he is proxy. Owners who are *bonâ fide* occupiers are entitled to vote as well in respect of ownership as of occupation." On the evening of the 28th of May I attended at the workhouse and met the whole of these eighteen collectors, who returned all the balloting papers that they had received, together with the books, stating the reasons for those which had not been received. I then appointed the next morning, at ten o'clock, for going over the scrutiny, to ascertain which of these were good votes according to the provisions of the Poor Law Act. The next morning at ten o'clock, I attended at the vestry room, and the different overseers of each ward were present; I had all the polling papers before me, and the mode that I adopted was to take the name from the outside, mentioning the name and where the party lived, and, as in all cases of election, there are two parties, it was so arranged that the overseer of one ward should sit with one or two on each side, in order to see that he was quite correct in the statement he gave me. When the name of the vote was mentioned, if no objection was made to the name, I put it on the file, and when an objection was made, either that the party did not live on the premises, or that he was dead, or had not been rated a sufficient time, or paid his rates, or, as I found in a great many cases, the polling papers entirely blank, they were placed on another file. I went through the whole of the polling papers in that way, and the only difficulty, as I have before mentioned, which I experienced, was with regard to the votes of owners of property. The question was, who was the owner;

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owner; the Poor Law Act states that the owner at rack rent shall be construed to include any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him or any person receiving the rack rent of any such property, either on his own account or as mortgagee or other incumbrancers in possession. And the words "rack rent" shall be construed to mean any rent which shall not be less than two-thirds of the full improved net annual value of any property.

7369. A leaseholder in London, then, who only paid his ground rent for a house would under that be the owner?—Yes. Questions arose on that point, particularly where the occupier or the landlord had paid a premium for the lease. I adjourned the meeting at that time, for the purpose of allowing owners who had claimed, or their proxies, to come and give some evidence of their ownership, because, you will observe, all that I had before me was the mere claim of the owner to vote.

7370. Would that part of the machinery of your investigating these claims, and that part of your instructions which directed the voter to write his name at the bottom of the paper and his initials to every person he voted for, have been necessary if you had had a previous registration of voters?—Why, I do not know; it would be impossible for me to know the persons so as to have identified them.

7371. With regard to the second part, the signing the initials; you would have no means of ascertaining the identity; but as regards the sitting to investigate the claims after the votes were delivered in, that would not apply?—No, it would not: I then adjourned till the Monday following at three o'clock. I went on that day and sat from three till seven, in order to determine upon the claims of the owners of property, and I then adjourned till eight o'clock, and was engaged the whole of the night till half-past seven on Tuesday morning casting up the number of votes. This was necessary, as the first meeting of the Board of Guardians was to be held at ten o'clock on that day.

7372. Then that was a more complicated operation, from the circumstance of each man having himself a different number of votes to give?—Yes; but that was taken from the vote paper at the top. It appeared to me certainly that it would be an improvement as far as secret balloting went, if the returning officer had the power of appointing the collectors of votes, instead of which, in this case, they were appointed by the churchwardens and overseers. A great number of papers came to me sealed up, and therefore the collectors could not see for whom the party voted; but it certainly was possible for the collectors to have opened those that were given unsealed, and I suggested that a certain number of bags, similar to postmen's bags, might have been taken with a key which I might have locked; but when I mentioned this to the collectors, they would not listen to it: they said they should be caricatured the next day as twopenny postmen. If I had appointed them myself, I should have made that or a similar regulation, so that they could not have examined the papers. I should have said, you must collect them in the way in which I shall direct; but not being my officers, I had no power or control over them. With regard to the mode of voting, I had no complaints from any one individual on either side. I had no question raised as to forgery of signature; but the great difficulty was as to two points: one was with regard to owners of property, as to knowing who were and who were not owners, and whether I had required sufficient evidence. Another question was, as to the right of partners, rate-payers, voting separately. With the exception of those two points, I found no difficulty at all; and it is quite clear that nobody but myself, the parties, or any one they showed the paper to, or the collectors, could have known in whose favour a vote was given.

7373. But the check clerks, as we may collect it, they would have known?—No; I was the check clerk, I read the papers myself. I said, having them all on the file, without mentioning the name, "A. one vote; B. one vote."

7374. Without giving the name of the voter?—Yes; I have preserved all the voting papers, this having been the first election; they have been under seal, and have never been looked at by any one.

7375. There is no direction under the Act as to secresy being observed?—No; it merely says that the Poor Law Commissioners shall lay down such rules and regulations as they think necessary.

7376. The signing the name is rendered necessary by the votes being taken at the respective residences of the voters, because without that, I presume you would have no means of ascertaining the voters who had not voted?—No; nor besides

that,

that, I could not have ascertained whether he had paid his rates. A vote paper was sent to every rate-payer who appeared on the books.

7377. Has this mode of voting taken place any where else?—This is the only one, with the exception of Battersea; but there was no contest there, at least it was given up the same day.

7378. Was any anxiety expressed by any of the voters for the secresy of election, for their names being concealed?—No, I did not hear any. They always had it in their power by having sealed the paper. If they sealed the paper, no one saw it but myself.

7379. In the event of the collector having intentionally omitted any voter, and having put "Not at home," as the reason for not delivering the voting paper to you, would that elector have any means of giving his vote on finding he had been so omitted?—I think, strictly speaking, he would, if he came in time. Being the first election, I said, if it appears on either side that the paper has not been called for, and the person will bring it to me, I will receive it. I was going to observe the way in which I came in possession of this. It belonged to Mr. ———, who stated that his servants had neglected to give it, although called for. I could not therefore receive it as the collectors had called for it. This is the only voting paper I received under those circumstances. Every thing must depend in an election, conducted similar to that of St. Martin's, upon the collectors, and I have recommended the commissioners in future to allow the returning officer, whoever he may be, to appoint his own collectors.

7380. The commissioners have power to direct that the returning officer shall appoint his own collectors?—Yes; I have not paid sufficient attention to it, but it did appear to me that there could be no objection to allow the voters themselves to have brought it to the returning officer; the voter should bring it himself, it would not do to allow him to send it, otherwise some persons would go round, canvass and collect the voting-papers.

7381. Are you of opinion that that mode of voting would be a perfect security against the intimidation of a large body of people?—I think it might be made so; I will not say this is quite perfect, because I think much will depend upon the returning officer and the collectors. Every thing, as far as the returning officer was concerned, at the election of St. Martin, was done in public; I never opened a paper unless in public.

7382. The returning officer can disclose the name of the voter?—Yes.

7383. It rests with him only?—Yes.

7384. The voter is at the mercy of the returning officer?—Yes, except as I have before mentioned, with regard to the collector.

7385. With respect to any bystander?—He could know nothing of it; he might know whether he voted, but he could not tell who he voted for.

7386. There is nothing to bind the returning officer to secresy?—No; the orders of the commissioners were sent to me by their solicitor to settle, and in drawing them, an endeavour was made to improve upon the principle of voting as laid down in Sir John Hobhouse's Act.

7387. Have you ever voted yourself under Sir John Hobhouse's Act?—No, I never have voted under Sir John Hobhouse's Act.

7388. But Sir John Hobhouse's Act is not adopted in the parish of St. Martin-in-the-Fields?—No, it is not.

John Caraher, Esq., called in; and Examined.

7389. WHAT is your profession?—A merchant.

7390. Do you reside in Newry?—I do.

7391. Have you been acquainted with the proceedings at the Newry elections?—Yes, I have.

7392. Was any meeting convened in 1826, respecting the election which was then about to take place?—There was.

7393. Did you attend that meeting?—I was then secretary to the Chamber of Commerce, and I convened that meeting. A requisition was sent to me by a number of the inhabitants for the purpose.

7394. Was that meeting convened for the purpose of considering whether an opposition should be got up to the then candidate of the borough?—It was. I will make it as intelligible as I can by stating that the present Earl of ——— was then Lord ——— ———, and had been member of Newry for a series of years; the borough

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borough was considered a close borough under his father's patronage, and Lord ——— not having attended his Parliamentary duties, his constituents were very much dissatisfied with him, and the Earl of ——— found it necessary to put forward his son-in-law the Honourable ———, on the occasion of 1826. At that time, when we came to examine the state of the registry, we found it would be useless to make an opposition, and in consequence of the promise that Mr. ——— made to us that he would attend to his duties as Member of Parliament, and to pay particular attention to the town and trade of Newry, we gave up the opposition, and a resolution was passed at that meeting in its tendency reflecting on Lord ——— for not attending to his Parliamentary duties.

7395. Were there any proceedings in consequence of that against those who had taken part in the meeting?—In consequence of that, all those persons who signed the requisition to me, and myself also, were served with notices to give up fields which we held at will under Lord ———.

7396. Were the fields actually given up?—Yes.

7397. How do you know it was in consequence of that?—We were told it.

7398. By whom?—It was generally known; it was generally accredited; and Lord ——'s people did not, I believe, deny it; I have good reason to be convinced of it from communications which I had with Mr. —— on the subject of these notices. Some time before the period arrived which was stated in the notice for surrendering possession of those fields, intimation was made to me that I might retain my fields, but I declined to accept them, unless other persons who were situated in the same manner that I was with respect to them were permitted to retain theirs.

7399. Were you given to understand, by persons connected with Lord ——, that that was the reason that these notices had been served?—Yes, it was a matter of public notoriety.

7400. It happened immediately after this?—Yes; I had a communication then from Lord ——'s agent, wishing me still to retain my own fields, stating in substance that Lord —— desired me clearly to understand that in giving me my fields, he wanted no control over my liberty as an elector.

7401. How long had you held the fields previous to your being desired to quit?—I do not exactly recollect; seven or eight years at least; I had erected a small house on them.

7402. Did you give up yours?—Yes, I did.

7403. On what reason did you give them up?—Because those that were situated precisely as I was, those persons that signed the requisition to me, would not be allowed to retain their fields; I would not retain those which I held unless those persons were permitted to retain theirs.

7404. Were any of those persons in arrear for rent?—Not that I am aware of; they are rather more respectable than that; they are of a class of persons who could pay their rent very well.

7405. Were those fields let to other persons at the time?—Yes, immediately afterwards.

7406. Was it considered an advantage to hold these fields; were they let at a moderate rent?—Yes, considered as town parks; indeed, it was said of Lord ——, that he considered he was not bound to attend to his duties in Parliament, because the borough cost his father a considerable sum of money, on account of the low rent at which he let these fields.

7407. By letting the fields under their real value?—Yes, exactly, considered as town parks.

7408. In 1831 was there a contest for the borough?—Was 1831 the year previous to the passing of the Reform Bill?

7409. Yes?—Yes, there was, and that was the first contest there was.

7410. On that occasion Mr. —— was returned?—Yes.

7411. Was he the same person that had been returned in 1826?—The very same; there was an election even previous to that, but there was no opposition to him whatever in 1830, Mr. —— having discharged his Parliamentary duties to the satisfaction of his constituents.

7412. In 1831 there was an opposition?—Yes.

7413. Were any notices served on the opponents of Mr. —— on that occasion?—Mr. Maguire opposed Mr. ——, because Mr. —— would not pledge himself to the principles that the majority of the constituents had respecting the Reform Bill, and the opposition was then got up to him.

7414. Were

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7414. Were there any notices served then?—There were notices served then upon a number of electors who did not vote for Mr. Maguire, but would not vote for Mr. —— on that occasion.

7415. Were those Lord ——'s tenants?—Yes.

7416. Were the notices served immediately after the election?—Yes; they were served in time to put them out at the usual term time that would arrive subsequent to the election.

7417. They were served as early as they legally could be after the election?—Yes, I believe so.

7418. Was any intimation given, to your knowledge, of the reason why the notices were served?—No; but the generally received opinion was, that it was in consequence of not voting for Mr. ——, and it is quite notorious that such was the reason; and the supporters of Mr. —— did not wish it to be concealed; as far as I could judge, they wished to let these persons know the reason why they were dispossessed was for not voting for Mr. ——

7419. Were notices served on those who voted for Mr. ——?—No, not that I am aware of.

7420. Do you know the number of the notices served after that election?—I really do not know.

7421. About how many?—Forty or fifty at least; I scarcely know whether there might be so many on that occasion, inasmuch as the parties who were deprived of their fields in 1826 subsequently rented no fields under Lord ———, but any of those who were in the situation of holding fields directly under Lord ——— they were served with notices; I mean those who voted for Mr. Maguire and did not vote for Mr. ———, and those might be about 20.

7422. You mean that every man that voted for Mr. Maguire and was a tenant under Lord ——— was served with notices?—I so understood.

7423. Was any thing said to them before the election amounting to a threat or intimidation that if they did not vote for Mr. ——— such and such would be the consequence?—The usual mode was, Lord ———'s agent canvassed the tenants, intimating Lord ———'s desire as to how they should vote, and I have heard that threats were used to them if they would not vote as he desired they should. Before the period arrived that these persons would be obliged to give up their fields, the late Lord ——— died, and then the present Lord ——— did not interfere in the ensuing elections at all.

7424. Then were they ejected?—No, they were not.

7425. In 1832 there was another election?—Yes, that was the election subsequent to the Earl of ———'s death, and then, immediately before the election, the present Earl of R——— signified his intention not to interfere whatever in the election then ensuing, and he kept his word strictly, and did not interfere.

7426. On that occasion was any persons deprived of their fields for opposing the interest of another landowner?—The contest on that occasion was between Lord Marcus Hill and Mr. Maguire, and those of the Marquis of ———'s tenants who did not vote for Lord Marcus Hill were served with notices, and some of them deprived of their fields.

7427. When you say some of them, do you mean all that voted, all the tenants of the Marquis of ——— that voted for Mr. Maguire were deprived of their fields?—All those that voted for Mr. Maguire that belonged to the Marquis of ——— I believe had their fields taken from them; I know of one person who voted for Mr. Maguire, and his fields were taken from him, and they were given to his neighbour who voted for Lord Marcus Hill.

7428. Were those fields let at a low rent also?—Yes, they are considered a low rent in consequence of the accommodation they afford; it would not be considered a low rent in a country place; those are called town parks.

7429. Is it considered a valuable accommodation to the inhabitants?—It is.

7430. What sort of persons are they that hold the fields, are they tradesmen in Newry?—They are from the gentry at Newry of all descriptions down to the humbler classes, the latter who are located in the rural districts adjoining the town; some of these persons are very poor, and each of them has a spot of land on which he has a house; others are merchants and traders.

7431. Were they Catholics or Protestants?—Mostly Catholics who vote for Mr. Maguire.

7432. Was there any disturbance at the election of 1832?—I think the election commenced on Thursday; Friday was the first day of polling, and on Saturday there came

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came a body of Orangemen from a place called Broomhedge to Newry, a distance of 16 miles, and shortly after they came into the town, a row took place between them and the persons assembled at the election, and one man was killed on that occasion.

7433. Were the Orangemen armed?—Yes.

7434. What were they armed with?—Some with daggers and some with pistols.

7435. Were they displayed?—They had them concealed till they got into the crowd. The account of the riotous proceedings of the Orangemen having spread abroad, there was early on the morning of the Wednesday following an assemblage of several thousand persons of opposite politics to the Orangemen, on the hills near to Newry. This body was prevented from entering the town by the military under the direction of the magistrates, and in the course of the day Mr. Hancock, a magistrate, and several of Mr. Maguire's friends prevailed on them to disperse, and they did so peaceably.

7436. Was there any disturbance at the election in 1835; have you the least recollection?—No, it was quite peaceable, I never recollect a contested election more so; we were in a very bad situation for want of liberal magistrates; I was supporting Mr. Brady's interest, and we were, as I have said, badly off for liberal magistrates, as the magistrates in the town were in the ranks of Sir Thomas Staples and aiding in his election; one active and respectable shopkeeper in Mr. Brady's interest was taken up under the assumption that he was abducting electors, and committed to prison. The magistrates who committed him refused bail, and Mr. Crawfurd and Mr. Lindsey, who had been solicited by Mr. Brady's friends to come to town for the purpose of preserving the peace, were applied to with a view of tendering bail for this individual, and on an investigation into the matter they liberated him from prison, on his entering into recognizances to appear thereafter to answer the charge against him.

7437. Was there interference of the landed proprietors on the occasion of the last election?—Yes; on the last election the present Earl of ———, shortly before it commenced, wrote to his agent, saying, that he wished his interest to be given in favour of Sir Thomas Staples. This gentleman went with Sir Thomas and his party to canvass the tenants.

7438. Do you know whether any notices have been served on any of those?—Yes.

7439. Since?—Immediately after it.

7440. Upon those who voted in favour of Mr. Brady?—Yes.

7441. Were the notices served on all Lord ———'s tenants who had voted for Mr. Brady?—They were, and served immediately after the election, and I believe at some time previous to the 1st May last a good many of those, who also voted for Sir Thomas Staples, were served with notices. It was noticed in the Newry Examiner, shortly after the first class of notices were served, the hardship on the tenantry of these notices being served. Lord ———, having seen this paragraph in the Newry Examiner, Lord ——— wrote a letter to the editor of the Examiner, disavowing any knowledge whatever of these notices.

7442. Have any of the parties, who received notice since the election of 1835, actually quitted?—The time has not arrived yet; November next is the time.

7443. Have any of the tradesmen been injured in their custom through this election, in consequence of the votes they gave?—They have been on both sides since that, to some extent, I believe.

7444. In what way?—Those persons who supported Mr. Brady and voted for him, Mr. Brady's opponents have ceased to deal with them, and have told them in some instances they would not.

7445. Has that happened in many instances?—Yes; in many, I believe.

7446. And they also state that the same thing happened on the other side, that Mr. Brady's supporters had discontinued dealing with those who supported Sir Thomas Staples?—Yes, I understand so, in retaliation.

7447. So that a system of exclusive dealing has been acted on by both sides?—To some extent, and a little time previous to the 1st May, notices have been served on the tenants of persons who are owners of houses, and who were in Sir Thomas Staples' interest; those tenants voted for Mr. Brady; the notices are pending still; they are for tenements in the town, not alluding to field-parks at all. Householders who were enjoying their 5*l.* franchise, these may be ejected out of them, and the same franchise cannot be procured again.

7448. Do the people of Newry interfere in the election in any way?—Nothing more generally than the usual custom of zealously supporting a favourite candidate.

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The last was one of the most peaceably conducted contested elections I have ever witnessed, and I have witnessed several. I take credit to myself, in common with others of Mr. Brady's friends, for a great deal of that, in having exerted ourselves to procure liberal magistrates. Mr. Crawfurd, Mr. Lindsey, Mr. Handcock and Mr. Ruthven attended at our solicitations; Mr. Ruthven came down shortly after his own election.

7449. Is there any thing more that you have to say respecting the Newry election? —No, nothing that I recollect.

7450. What are the number of votes at Newry?—I really forget.

7451. About?—About 850.

7452. Is there much desire among the voters to have the ballot?—Yes, there is; at the election of 1832, when Lord Marcus Hill stood, bribery was carried to such an extent at the election, that we desired any relief we could get as to it.

7453. Bribery was carried to a great extent at the election before last?—Yes.

7454. Was bribery carried on at the last election to any extent?—It was not to so great extent, it was to some extent.

7455. Are there many freemen voting in Newry?—No freemen.

7456. All householders?—Yes, or occupiers of houses or tenements; the lowest franchise is a 5*l.* house; those that had a 5*l.* franchise were permitted to register under the Reform Act.

7457. Does it happen that those parties who were ejected from their occupation lost their right of voting, which they could never recover again?—That period has not yet arrived.

7458. When it does arrive?—They will lose their right of voting unless they procure a 10*l.* franchise.

7459. How many were there in that condition?—From twenty to thirty. In all Bell's-row, for instance, the tenants had notices served on them, and several other persons in the town; but I should suppose there were a great many in the several districts; there are about twenty or thirty of this description of persons in the town.

7460. Under whom do they hold their property?—Under different persons, tradesmen who have built those houses and let them to them.

Jovis, 9° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Thomas Barnard Chappell*, called in; and Examined.

Mr. *T. B. Chappell*

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7461. YOU are vestry clerk of the parish of St. George, Hanover-square?—Yes.

7462. When was Sir J. Hobhouse's Act adopted by the parish of St. George?—In 1832.

7463. Subsequently to the adoption of that Act, was there a contested election for vestrymen?—There was.

7464. Will you have the goodness to describe the mode in which the parishioners proceeded in that election?—The day being fixed by the churchwardens, in the first instance the parishioners were invited to meet at the Board-room in Mount-street, for the purpose of electing 33 vestrymen and five auditors of accounts; there was then a difference of opinion existing as to the parties to be elected, and a ballot was demanded, which commenced on the following day; it continued for three days, conformably to the Act of Parliament, from eight o'clock in the morning till four in the afternoon.

7465. Were the votes taken all in the same place?—The votes were taken all in the Board-room in Mount-street.

7466. Now will you describe the mode in which the votes were given?—The votes were given upon printed papers. In the first instance there were eight inspectors of votes appointed, four named by the churchwardens, and four by the rate-payers present. I then divided the parish into four districts, putting two inspectors, one inspector belonging to the churchwardens, and one of the rate-payers' inspectors, together, they having the assistance of the parochial collectors in their

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their respective districts; and as the rate-payer came in to give his vote, which was done by presenting two folded papers to the inspectors, one of which contained the names of the vestrymen for whom he wished to vote, and the other the names of the auditors of accounts, they were then handed to the inspector, and the inspectors had two deal boxes by their side, about a foot and a half square, into one of which they deposited the list of the auditors, and into the other the list of the vestrymen.

7467. Now, in what mode did these lists come into the hands of the voters?—There were two parties; one party, who had opposed the opening of the vestry, issued a list, and the party who had opened the vestry, they issued a list; and those lists were sent round the parish to the rate-payers generally, and a great deal of canvassing on the part of each party took place.

7468. Did that canvassing take place between the meeting at which it was determined to open the vestry and the election of vestrymen?—Certainly.

7469. You say those papers were delivered folded?—They were delivered folded into the hands of the inspectors.

7470. Now, were they of different colours?—They were.

7471. Do you mean the papers were of different colours, or were the names printed in ink of a different colour?—The papers delivered were of different colours.

7472. Had one party one colour and another another?—In the commencement it was so.

7473. Under these circumstances were the papers of different colours, that any person standing by would have been able to ascertain by observation which way any person voted?—Decidedly so, in the first instance; but after that, I think it must have been on the second day, the party who were in the minority finding a greater number of green papers, or blue, I forget which they were on that occasion, coming in, they had some names printed on a similar coloured paper.

7474. So that after this step they had one list of names on green paper and another on blue paper, or whatever the two colours might have been?—Certainly.

7475. That was in fact adopted in order to defeat the intention of the parties who had had their papers printed in a particular colour, in order that they might ascertain which way their friends voted?—Certainly, I presume so.

7476. The minority was that party which was unfavourable to the opening of the vestry?—Yes. I should observe, that the rate-payers who had opened the vestry, and who were desirous of returning 33 complete fresh hands, they had two coloured papers, at least they had one coloured paper and one not, for I think about half their lists were upon white paper and the other upon green.

7477. Do you know what the object of that was?—No, I do not.

7478. Were there any persons who objected to vote upon the coloured paper?—Not that I am aware of.

7479. Then had each elector a white paper and coloured paper also sent to him?—No, I believe not.

7480. Then you do not know upon what principle the choice was made, whether they should send a green paper or a coloured paper to any particular individual?—No, I being vestry clerk took no part.

7481. The parish did not send any list round to the inhabitants?—Certainly not.

7482. Those lists then contained only the names of those candidates which the parties sending them round wished to support?—Exactly, and in point of fact some of the lists delivered contained a lesser number than 33; and the inspectors, if they found a list, which occurred in one or two instances, containing more names than 33, the list was rejected.

7483. But of course they did not reject any list with the lesser number?—No.

7484. Were there any lists brought into your hands which were folded in a cover?—I do not recollect seeing any in a cover. I have one of the lists sent round in my possession.—[*A list coloured blue was handed to the Committee.*]

7485. Do the Committee understand you to say that it was this list which the parties caused to be printed on paper of a different colour from that which they originally started with?—Yes.

7486. And are you aware whether many persons put in this list on paper of a different colour, availing themselves of the colour substituted in place of the first, whether many persons voted in that way?—No, I am not aware of that.

7487. Did you see the lists when they were opened?—Yes, I think I saw most of them.

7488. Were

7488. Were any of them altered in manuscript?—Yes, I think a few.

7489. Were any of them wholly altered in manuscript?—I do not recollect seeing one; no, I think not. I did not open the lists; the lists are opened by the inspectors who are appointed for that particular purpose, but after they had declared the parties elected, they threw up those papers, and they were in my office for some time, until they were destroyed, for I was obliged to keep them for a certain time.

7490. This is the only contested election you ever had?—The only contested election.

7491. Do you remember what the numbers were?—I cannot recollect the numbers exactly of rate-payers who voted, but I know the highest number of the successful candidates was very near 1,600, and I think the highest of the unsuccessful candidates was about 600.

7492. There was a majority of about 1,000?—I think it was about three to one.

7493. Do you think the votes could always have been taken with convenience in a less period than three days?—Certainly.

7494. Could they have been in two days?—I think they could have been taken in one day, particularly if they were taken in districts.

7495. Are you of opinion they ought to be taken in districts?—I think in large parishes it would be desirable.

7496. Did you hear any dissatisfaction expressed at the mode of voting by coloured paper?—Yes, I have frequently.

7497. What has been the ground stated for that dissatisfaction?—Merely that if it was to be vote by ballot, it ought to be so secret that nobody should know for whom A. B. or C. voted.

7498. Do you think that, considering the mode in which the election was carried on on the last occasion, that any large proportion of votes given were actually known to other persons than the persons themselves who give the votes?—Unquestionably.

7499. You think then that the system adopted of printing the names upon different coloured papers had the effect practically of disclosing votes of a large number of persons who voted?—Certainly.

7500. Do you think that the feeling of the parishioners is that the mode so adopted practically defeated the security of the ballot?—I am not able to answer that question exactly, only having heard the opinions of individuals occasionally.

7501. I am asking as to the opinion of those individuals?—I should think the security of the ballot would be much greater if coloured paper were not allowed.

7502. Do you think that is the general opinion?—I should say with every person with whom I have conversed.

7503. But although you state that the security of the ballot was practically defeated, or at least greatly impaired by using coloured papers, yet still, would it not have been perfectly possible for any man, seeing the papers I hold in my hand, to erase all the names, or any of the names he thought fit, and substitute others in manuscript, without its at all being known he had done so by the inspectors to whom he delivered the paper?—Certainly, but there were parties who were taking great interest in that election who stood at the door, and who examined some of the lists (they were parties belonging to the successful parties) before they came into the room.

7504. You state that those parties who stationed themselves at the door took from the voters who were coming the paper which they carried in their hand, and opened it, to look and see whether any erasures had been made or not?—Some of their own friends did so.

7505. Now supposing that the voter, before he came to the place where he deposited his vote, passed through a room in which nobody was suffered to be in company with him; supposing he passed through an empty room, would not that afford the voter a perfect opportunity of defeating any attempts to ascertain how he voted by any persons standing near the poll and inspecting the list before he put it in?—Yes, I think it would to a certain extent, but I think that if there were no lists sent round, but if lists of the different candidates that were proposed were put into a room through which each rate-payer or voter had to pass, and he was then to take one of those papers which he pleased, fold it, and hand it to the inspectors, there being present only the inspectors, and nobody to interfere, I think that of course would be perfectly secret.

7506. Now are you not of opinion that you would combine that secresy with perfect security against more than one list being delivered in by the connivance of

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the inspector by each voter, if, instead of different lists being sent about to the different individuals, one authorized list was furnished to each elector of all the candidates before he went into the room, and he was required to strike out of that list during the time he was in the room by himself, those candidates for whom he did not intend to vote?—Certainly.

7507. According to the plan just suggested, would not the inspector have the opportunity of knowing whether any change was made?—He would have the opportunity of knowing a change was made, but a change necessarily must be made to reduce the list, but he could not tell the names taken out.

7508. So that according to the plan suggested, every person voting should be put in possession of a list containing the names of all the candidates?—Yes, which list he should reduce to the number required in the room by himself.

7509. And the extent and nature of the reduction would be unknown to the inspector?—To every body but himself.

7510. Considering the number of candidates as 33, and that there are very likely to be two lists, each containing 33 names, would it not be a good deal of trouble for each individual to erase so many names as 33, would there not be likely to be mistakes committed in it?—I think it is liable to error, inasmuch that I have known when vestrymen were elected in a similar mode, and when there has been five or six candidates and perhaps three to be chosen, that in striking out the names, the paper having been folded whilst wet, it has been obliged to be rejected, not knowing which of the names had been struck out.

7511. Would not that be obviated by a very simple contrivance, having a thick black lead pencil to strike them out with?—I think it is a difficulty that might soon be got over.

7512. It was not that difficulty to which the question of the Committee alluded, but simply supposing you have a paper with 66 names printed in alphabetical order and each voter is to strike out 33 of them, is it not likely not to mention that the process of striking out 33 would take some time, is it not likely that many voters would make a mistake in striking out so large a number as 33 names?—I think so, and I think so upon this ground, that some of the parties who came to vote are persons who are perhaps getting in years, or who, from some infirmity, were not very ready with their pen.

7513. Might not you therefore obviate that by having the names printed, not in alphabetical order, but one list on one side of the line and the other list on the other; then a man would strike out all on the left-hand side of the line or all on the right-hand side of the line, if he thought fit?—That is possible; but then that would appear as if there were two separate parties.

7514. Which, in point of fact, is generally the case?—It is generally the case, but that would at once show it.

7515. However, this difficulty would not arise, in the event of the number of candidates being six instead of 60?—No.

7516. In the election for the city of London, which is the most numerous class of candidates that there are any where, supposing there were to be six candidates, there would then be no difficulty?—None at all in that case; but I should say, that if that mode was to be adopted for large parishes, and if they were to vote in that manner for the election of vestrymen—I have before stated, in answer to a question put to me, "whether I thought that the time could be shortened," that it might; but this certainly would not shorten the time but rather extend it; for the work of selecting out of perhaps 70 names 33, would be a work of some time, when there are 6,000 rate-payers.

7517. But if there were only two to be selected out of four or five on the whole, it would take no time?—No.

7518. What would you do in the case of persons who cannot read or write?—The vote by ballot could not extend to them.

7519. By a vote by ballot you mean according to this principle?—Yes.

7520. The inspector who received one of these papers from any voter could not possibly tell otherwise than by the colour of the paper for whom it was that that voter intended to vote?—Certainly not.

7521. He might give a strong guess from the colour of the paper, but he could not at all tell from any means he had, or from any possibility of looking through the paper, what alterations or erasures the voter might have made before delivering to him that paper?—Certainly not; for the crack in the box in which

it

it is deposited is so small, that it would require to be folded very close in order to get it in.

7522. Did the case ever occur that a voter, in coming up to the inspector previously to delivering the letter folded, did you ever see any voter hold out his paper to be seen?—Yes; I have seen them come into the room at the election with a paper unfolded, and fold it in the room.

7523. In the presence probably of those persons whom you said were anxious to ascertain?—Yes; in the presence of their friends.

7524. It appears that during this election, to which you have referred in evidence, secresy was not obtained through the medium of ballot?—Certainly not.

7525. Was any expedient adopted afterwards with success, in order to secure secresy to the ballot?—None with us; never having had but that one contested election.

7526. I think you did say that after the first day the scheme for defeating secresy, by having obtained different coloured papers, was partly adopted by the one party adopting the same paper which had been used by the other?—Yes.

7527. Supposing that that party had been so far forewarned as to adopt the scheme of double-coloured paper on the first day, instead of the second day, do you think the election would have gone on more steadily and conformably to the real wishes of the voters?—No, I do not think that at all; for I think the ratepayers who did vote had each made up their minds for whom they would vote; and I do not think any deception as to papers would have made the slightest alteration.

7528. Then is it your opinion, that the change in the colour was dictated by a notion, that a number of persons might put in that paper, by mistaking it for the paper of the other party?—No, not by mistake. When a party came up with one of the minority papers, the persons who were standing about would laugh, and persons did not like that; and it was with the idea that if they had similar coloured papers they would pass unnoticed.

7529. There was an expression of popular dissatisfaction to a small extent?—Yes, to a small extent.

7530. When the colour of the minority came up?—Yes.

7531. Were the votes taken in a very quiet and orderly manner?—Certainly.

7532. Supposing that the votes had been taken *vivâ voce*, and that any voter came up, and being called upon to pronounce aloud the name of the candidates for whom he voted, do not you think the expression of popular feeling would have been louder and more decided than it was?—Very much more; because, at times, there were very few persons present; in fact, I do not think there ought to have been any body present but the churchwardens and the inspectors, together with the collectors and the persons coming to vote.

7533. I presume, according to this method, nothing was known of the progress of the poll at all?—No; only we knew perfectly well by the colour of the papers put in and by the persons coming to vote, which party had obtained the victory.

7534. When you say, you "knew perfectly well," what you mean is, you judged by the colour of the paper and by such evidence as you possessed upon the subject of the persons who came up to vote?—Not only by that, but the ratepayers who were taking an active part to open the vestry, had formed themselves into district committees, and they went round several of them and brought up many of their friends with them; we could see that the other party did not do so.

7535. Then you judged of a man's vote partly by the company with which he came to vote?—Yes.

7536. Had there been a great deal of party spirit in the parish previously?—There had been only from the commencement of the passing of the new Vestry Bill, there had never been any party feeling before, but since that Act came into operation and since that election, I should say there was no metropolitan parish in the world where less disunion existed.

7537. The question of the Committee referred to this; there had been previously to that election a great deal of excitement and of sifting persons' opinion; for instance, there had been previously to that a poll for whether the vestry should be open or not, at which poll every man's vote was necessarily known, because he was obliged to sign his name on the paper?—Certainly.

7538. Then it was comparatively easy to anticipate how a man would vote on the second occasion?—I felt quite sure as to the result on the second occasion.

 7539. Though

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7539. Though secresy was not obtained by the ballot in this contested election, it appears good order was?—Yes.

7540. The Committee collect it as your opinion, that that method of election might be converted into one of perfect secresy, by the adoption of the method suggested a short time ago in the examination, the only inconvenience of which would be its application to the case of an election of a very numerous set of persons, out of a still more numerous set of candidates?—I think that if the vote by ballot was adopted in the mode before named, it would be one to obtain secresy.

7541. Do you think you would obtain secresy?—Certainly I do.

7542. Do you think you would obtain secresy at the time of polling?—Certainly.

7543. As to the moral conviction you might have in your own mind, that is another thing?—I should beg to decline giving any opinion upon that.

7544. But it is your opinion, that that would debar you from the possibility of obtaining any direct incontrovertible evidence as to how the vote had been given?—Certainly.

Veneris, 10° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Rev. *John Sheehan*, called in; and Examined.

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7545. YOU are, I believe, a Roman Catholic clergyman?—I am.

7546. You are a parish priest of the city of Waterford?—I am.

7547. Were you in the city of Waterford during the election that took place in the year 1826?—I was, but not parish priest at that time.

7548. You were a curate at that time?—I was attached to a chapel there, and I was chaplain to an hospital.

7549. Who were the candidates at the election of 1826?—Lord George Beresford, the late Mr. Richard Power, of Clashmore, and Mr. Henry Villiers Stewart.

7550. At that period great efforts were made, I believe, by the Roman Catholics to accomplish emancipation?—There were.

7551. Lord George Beresford and the Beresford family, which he represented, were opposed to Catholic emancipation?—They were.

7552. Did you and many of the Roman Catholic clergy interfere at that election?—We did.

7553. Are you aware whether many tenants at that election voted against the wishes of their landlords?—I am.

7554. Do you know whether, immediately previous to that election, many landlords in that county in the interest of the Beresford family, employed any threats against their tenants, in order to induce them to vote in compliance with their wishes?—I am aware they did employ threats.

7555. Did they threaten to eject, to distrain, to demand arrears of rent, in the event of their tenancy not voting according to their wishes?—That was the tendency of their threats.

7556. The estate of the Marquis of Waterford is considerable in that county?—Very considerable.

7557. And his relatives, and his connexions, and persons attached to his family, have also large property in that county?—They have.

7558. How did the election terminate?—In the return of Mr. Power and Mr. Stewart, Lord George resigned when he found the tenants generally voted against him.

7559. Lord George Beresford went to the poll?—He did.

7560. During how many days did he stand the contest?—I think four, I cannot be exact.

7561. After the election had terminated, are you aware whether many landlords in the county of Waterford adopted measures of severity towards their tenants for having voted against them?—I am.

7562. The Roman Catholic Association was at that time in existence?—It was.

7563. Was any application made to the Roman Catholic Association for pecuniary assistance?—Several applications.

7564. In order to afford relief to persons who had been ejected by their landlords?—As well to afford relief to them, as to sustain those against whom decrees were sought in consequence of arrears of rent.

7565. By decrees, you mean decrees of the Civil Bill Court?—Yes; decrees of the Civil Bill Court.

7566. You have mentioned an extensive system of what I may call persecution, was instituted?—Yes.

7567. Are you now able to go into the details of that persecution?—The lands of the Marquis of Waterford are very extensive in the county of Waterford. Several were made forty shilling freeholders for electioneering purposes, the lives in the leases were generally very old, and upon the dropping of any of those lives ejectments were brought.

7568. Those ejectments were brought in consequence of the tenants having disobeyed the injunctions of their landlords at the election?—I am quite satisfied that if they had voted with Lord George Beresford, they would have been continued in their places.

7569. In fact, no doubt existed on the subject, nor was it ever denied?—I am not aware it ever was denied; I never heard it denied.

7570. Can you state the number of persons who were deprived of their farms upon the Waterford estate, in consequence of their having voted against Lord George Beresford at the election of 1826?—When I speak of numbers, of course I cannot be accurate in the precise numbers; but I should suppose that at least 700 persons have been dispossessed, I do not mean the same number of families, but 700 souls have been put out of their habitations since 1826 to the present time.

7571. Do you mean to say that so large a number as 700 individuals have been deprived of their farms and dwellings in consequence of their having voted themselves, or in consequence of persons connected with them having voted against the wishes of their landlord?—227 souls have been ejected within the last two months, and their houses have been levelled at a place called Kilmacthomas.

7572. You speak of what took place within the last two months?—The reason I make that observation is this, the Marquis of Waterford, the present Marquis, I take to be a man who gives himself very little trouble about politics, and I am unwilling to attribute any political motive to him in what has been done on the present occasion.

7573. Let us go back to the year 1826, in what month was the election of 1826?—In June.

7574. Can you state the number of persons who were ejected within a twelvemonth afterwards, in consequence of their having voted at that election against Lord George Beresford?—I can state, that I myself paid the passage-money of several of them to America.

7575. I ask you, are you able to state, without being precise as to 10 or 20, what you conceive to be the number of persons who suffered within one twelvemonth from June 1826, for having voted against Lord George Beresford?—I should conceive between two and three hundred people suffered within one twelvemonth after it.

7576. Do you mean to say upon the Waterford estate only?—Upon the Beresford estate. When I say suffered, I do not mean ejected, for this reason, that their lives did not drop, and that those who were in arrears were protected by the association.

7577. Do you know what the amount of money advanced for the relief of persecuted tenants was, within one twelvemonth from the election of 1826, by the Roman Catholic Association?—About 2,200 *l.*

7578. What was the largest sum advanced to an individual, can you state that?—The largest sum advanced to any individual was, I believe, very nearly 200 *l.*; that 200 *l.* was advanced to a man of the name of O'Niel, who was not a tenant of the Marquis of Waterford.

7579. Will you state the events connected with the persecution of O'Niel?—He was largely in arrear with a gentleman of the name of Keily.

7580. O'Niel voted against Lord George Beresford?—Yes.

7581. What took place in consequence of this?—I believe his cattle were distrained by Mr. Keily; I think so; how the distress was effected I do not know, because he lives at a remote part of the county Waterford; the protection association, of which Mr. Wyse, one of the Members for Waterford, was then a member, transmitted money through a Mr. O'Brien for the purpose of paying O'Niel's debts to his landlord.

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7582. And the debt was accordingly discharged?—Whether the debt was entirely discharged, I really cannot say at present, for the arrears were enormous; he had a dear farm.

7583. Do you believe those arrears would have been demanded but for his vote?—I will not undertake to say any thing on that, for Mr. Keily lives so far from me, and the circumstance between him and Mr. O'Niel were unknown to me, therefore I cannot set forth the particulars.

7584. Were small sums of money advanced to several of the tenants?—Yes, there was one farm called Lissemuthawn; the tenants were in arrears; there was a good number of families, I suppose 20 on it, they were people who worked about the Curraghmore demesne; 180*l.* were advanced to meet arrears of rent and law expenses.

7585. Were those law expenses incurred in consequence of proceedings being taken against these people for voting?—Yes.

7586. Against Lord George Beresford?—Yes; in another part called Graigshooneen, processes of the same kind were instituted against the tenantry, and decrees had against them, but those decrees were rendered useless by the conduct of the assistant barrister; a case was submitted to Mr. O'Connell, and he ascertained that the assistant barrister had decreed beyond the jurisdiction of his court, and those people were preserved in their places thereby.

7587. You stated that about 230 persons upon the Waterford estate suffered in consequence of the election, do you mean to say that these 230 persons included all the families, or those were only individual tenants?—Individuals.

7588. Women and children?—Yes.

7589. You stated that you were yourself instrumental in sending some of these people as emigrants to America?—Yes.

7590. What number?—It is now such a length of time ago, eight years, that I do not recollect; I called at the broker's office, where I paid for their passage, and he was unable to give me any account whatever of the number.

7591. How much money did you pay?—I do not know that, but I rather think the sum was considerable, from this fact, that a priest at Halifax wrote to a friend of his in Waterford, complaining of the number of paupers that were sent over.

7592. Did this letter of the priest's from Halifax relate to the poor people that were sent over from the county of Waterford?—Yes.

7593. You have spoken of ejectments brought against tenants upon the Beresford estate, do you recollect the case of a Mr. A. B., a relation of Lord Waterford's?—I do.

7594. Can you set forth the particulars in that case?—There were tenants of his in a place called Stradbally, who were put to expense in the same way.

7595. I believe ejectments were brought in the superior courts by Mr. A. B. for the purpose avowedly of accumulating large costs against these poor people?—Yes.

7596. Instead of proceeding by civil bill, which is much more economical and much more rapid?—Yes.

7597. Are you aware that the Court of King's Bench set aside the ejectment, and proceedings instituted by Mr. A. B.?—I have not a full and distinct recollection of it, but now when you bring it to my mind, I am aware there was such a thing; the higher courts did set aside the proceeding.

7598. Upon the ground that they were avowedly instituted with a view to crush the tenant?—To enhance expense.

7599. Are you aware that that case is reported in the law books?—I am not aware of that.

7600. Do you know whether distraining for rent took place upon a large scale after the election, and in consequence of it?—Yes; not only on the Marquis of Waterford's estate, not only on that of Mr. A. B., but also on several other estates in the county of Waterford; monies were remitted to the neighbourhood of Clonmell to meet the prosecution of the tenants in that neighbourhood, also to the neighbourhood of Lismore, also to the neighbourhood of Tramore; in short, there was no part of the county in which there were not instances of the anger of the landlords towards their tenants for voting for Mr. Stewart.

7601. You have hitherto in a great degree adverted to the consequence of the election in 1826, were you present at the subsequent election in the county of Waterford?—Yes, but not so much, nor near so much as the election of 1826.

7602. You did not interfere so much?—No.

7603. You

7603. You were present at the election?—I voted at the two last elections for the city of Waterford.

7604. Do you know whether, at the subsequent election, the same system of intimidation was adopted by the landlords with respect to their tenants?—Not on the same extensive scale, but I know the system of intimidation is continued up to this very moment in the city of Waterford.

7605. You take upon yourself to state that at the subsequent election intimidation, though not upon so large a scale, yet to a considerable extent was exercised towards the tenants by their landlords in the county of Waterford?—I do.

7606. Not only that threats were used, but that those threats were carried into effect?—I cannot say much with regard to threats being carried into effect, because those persons who before were in the habit of threatening, succeeded at the election subsequent to that of 1826; that is, Lord George Beresford was returned in lieu of Mr. Stewart, when Mr. Stewart resigned the representation.

7607. Did the persecution that was exercised towards the tenants tend to produce pauperism and demoralizing results in the county of Waterford?—Unquestionably it tended to produce pauperism, but as to demoralization, I owe it to the character of the peasantry to say that I believe there was not a single person of them brought before the magistrates for any violation of the peace.

7608. Of that dispossessed tenantry?—Yes.

7609. You were summoned by the chairman of this Committee to attend it?—I got a summons from W. H. Ord, esq., franked by Charles Buller.

7610. Now was the system of persecution to which you have alluded instituted by the Marquis of Waterford's agent on the avowed principle of punishment in consequence of the steps taken by his tenantry?—I believe it was for this reason. I did not hear it from him myself, but it was so generally reported abroad, that it must be true. These people were generally desired to go to Mr. O'Connell or the priests when in difficulty, either on account of their arrears of rent, or because the lives on their leases had dropped.

7611. Had those people living on the Curraghmore demesne formerly received relief when in distress from the family of the Marquis of Waterford?—A great many were constantly employed on the demesne.

7612. What number should you imagine?—I cannot speak to the number, but I know that there were several villages; there was the village of Portlaw Gulco, and Lissemuthawn.

7613. Might there be 40 or 50 families?—In Portlaw and Lissemuthawn and Gulco, I suppose there must have been 150 families: I am not over the mark.

7614. Giving to the wife and children four to each family, that would be 800 or 900 persons employed by the Marquis of Waterford?—I have not said how many, but a number of them were employed; what the number is I cannot exactly state.

7615. I think you stated that at Kilmacthomas there were 230 souls who had been ejected, and their cottages levelled, within the last three or four months?—I beg pardon, I have made a mistake; it is 229 persons within the last 12 months, and all the houses have been levelled, and these poor people are now scattered among the neighbouring farms.

7616. Those persons were formerly employed about the demesne of the Marquis of Waterford?—Not at all; they live eight or ten miles from the Marquis of Waterford's.

7617. The other individuals to whom you first alluded, who live round the demesne, a great proportion of them were employed by the Marquis of Waterford?—Yes.

7618. Those persons, when Lord George Beresford stood for the county in 1826, voted generally against their landlord, the Marquis of Waterford?—They did.

7619. So that the obligation of mutual acts of kindness and gratitude between landlord and tenant was so far interfered with on this occasion, that instead of the former good-will which prevailed, the landlord was induced to be severe with the tenant for having voted against his brother, Lord George Beresford?—The landlords were induced to be severe; they acted from a conscientious motive, and he punished them.

7620. Now, were these 40*s.* freeholders in a great degree originally made for the purpose of giving political influence to that family?—I dare say that was the intention of the Marquis of Waterford, for a great portion were made in March 1825.

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1825. It was the system of the Marquis of Waterford to keep these poor men completely dependent, for the lives were always very advanced which he put into the leases.

7621. So that, in your opinion, these tenants were made freeholders for the express purpose of giving political influence to that family?—That was his intention.

7622. Well, those individuals, upon conscientious grounds or motives, voted against their landlord in favour of the popular candidate?—Unquestionably.

7623. Then, having been made for political motives, and they having voted against their landlord, do you consider there is any thing very extraordinary that the Marquis of Waterford should subsequently deprive them of their freehold, they having voted against his interest?—I think, as an honest man, he should have praised them for their integrity.

7624. You therefore think that the Marquis of Waterford has not been influenced to eject those numerous tenants from any desire to improve his farms, the speculation of political influence having totally failed; but that he has acted, even for the last three months, where these 229 persons have been ejected on political grounds?—I think, if they were of equal use to him still, as he expected originally, he would still continue them.

7625. But the political influence having failed, do you attribute a vindictive motive of severity or persecution by the ejectment of these 229 persons?—I have stated before, the Marquis of Waterford does not give himself much trouble, I believe, about politics, but I believe there is a feeling of anger still against them in consequence of their conduct in 1826, because the political influence of the family has been completely destroyed in that county.

7626. But as you stated that these freeholders were made for a political object, and the political object having (now nine or ten years ago) failed, is it not natural to attribute the ejecting of these men to there being no longer any necessity for their being freeholders, rather than to a vindictive motive or to a motive of persecution, more particularly as you state the present Marquis of Waterford is not a person much influenced by political considerations?—If we could disconnect the present conduct of his agents from the conduct pursued by them immediately subsequent to the election, it may be possible to attribute such a motive to him, that is, to disconnect it altogether from persecution.

7627. Are you not aware that, in the value of property, the great subdivision of property has been considered to be very detrimental to the interest of the landlord, and that the compensation fund was the political influence that this subdivision of property gave him, but that when that influence ceased, that it was very natural that he should revert again to the best mode of distributing his farms in larger portions?—That is a question of political economy; he may have that motive, but I have already observed, that if these men still continued to be of the same use as was anticipated when they were made freeholders, that notwithstanding his desire of improving his estate by letting it out into large farms, he would still continue them; besides, there are portions of his estates from which men are now about to be ejected at the coming assizes, for which they are competent to pay their rents, and which land cannot be made very available for any agricultural purpose, inasmuch as it is extremely mountainous—I will not say mountainous, but it is very sterile, it is land that is worth very little.

7628. Still do you mean to say, by the arrangements that are about to be made by the Marquis of Waterford for the ejectment of these individuals, that there is to be a positive agricultural loss to his family?—I should think so, because he, it is said, intends to plant on the ground.

7629. Now the Marquis of Waterford, when he ejected these men, of course ejected them, having the power according to law?—Certainly.

7630. So that when the tenants did not fulfil the objects for which they were made freeholders, the landlord got rid of them when it no longer suited his purpose?—Yes.

7631. I think you said that the system of intimidation continued up to this moment, will you be so good as to state cases of intimidation which have continued up to this moment?—I will state one case, the case of the tenants of Mr. Fox Lane, a gentleman of large landed property, as well in the liberties of the city, as in the county of Waterford; I believe he resides in Yorkshire; a great portion of his tenantry live within the liberties of the city of Waterford. At the late election for the city of Waterford, they were all determined, with the exception of one or two, who were generally supposed to have received bribes, to vote for what we consider the liberal candidates, namely, Wyse and Byrne, and against Mr. Christmas.

mas. A letter was produced, purporting to come from Mr. Fox Lane, commanding them to vote for Mr. Christmas, and they were thrown into a great apprehension in consequence of it, and because they had no leases; they remained from voting altogether.

7632. This was at the last election for the city of Waterford?—Yes; and unquestionably they would have all voted, with the exception of the two I have mentioned before, instantly against Mr. Christmas, if not for the threat in that letter.

7633. Then as it appears, by your opinion, that these tenants in the present temper and political feeling of Ireland, will vote for the popular candidate against the wishes of their landlord, and as the landlord created those freeholders with the understanding that they were to vote for his interests, are you surprised that landlord should, when that influence is turned against him for which purpose the freeholders were made, are you surprised he should endeavour to neutralize or get rid of that influence?—I never heard there was any understanding whatever between Mr. Fox Lane and his tenants, that they should vote for any particular person.

7634. Did you never understand there was such a feeling between the Marquis of Waterford and his tenantry; and was it not very generally understood in that part of Ireland when the 40 *s.* freeholders were made in the manner you have described?—I believe the county Waterford was so long an heir-loom to the Beresfords without even a contest, that until Mr. Stewart appeared to contest the county, there was very little understanding between the Marquis of Waterford and his tenants about electioneering at all.

7635. But you stated in 1825, a few months preceding the election in 1826, that a large number of freeholders had been made for this very purpose of voting, and that it is now, in 1835, the greater proportion of those freeholders made in 1825, which are now sought to be ejected in consequence of the falling in of their leases, therefore, in your opinion, is it not evident that the freeholders having in 1825 been made for one particular purpose, namely, the influence of the Beresford family, or to support the influence of that family, that an understanding did exist at the time they were made freeholders, that they should vote in favour of that influence?—I believe they were made prior to the public announcement of Mr. Stewart's intending to contest the county, and the Beresfords may have had some private intimation, that he would in all probability seek the representation when he came of age. But I was not aware, nor have I ever heard, that when they did register those persons, that they exacted any promise whatever from them, that they would vote agreeably to their wishes.

7636. I do not speak of any precise promise, but I speak of an understanding existing, that when these freeholders were made, it was understood by them that they would support the Beresford family, they being tenants under the Marquis of Waterford?—The Beresfords may have that understanding in their own minds; but I am sure they never communicated it to their tenants. I believe the Beresfords never contemplated there would be such a moral uprising against their influence as did take place.

7637. Have they, after that failure in 1826, continued to make freeholders?—Yes; they made more 10 *l.* freeholders subsequent to the Emancipation Bill than any other family in the county of Waterford.

7638. Were those persons generally Catholics or Protestants?—The tenantry generally of the county Waterford are Catholics.

7639. Have the other gentlemen of the county, finding their political influence gone, continued the same system of getting rid of their freeholders or voters, that you state is the case in the present year, as regards the Waterford estate?—I do not hear any thing now, at the present time, of the other landlords of the county doing so.

7640. You were asked at the commencement, whether or not strong exertions were made by the Roman Catholics in that year to obtain emancipation?—Yes.

7641. What was the nature of those exertions?—To return members who would vote for that Relief Bill which subsequently passed.

7642. What was the nature of the exertions made by the Roman Catholics?—Why, they appealed to their love of country; I myself appealed principally to the oath which Protestants were in the habit of taking, that excluded Roman Catholics from places in Parliament.

7643. Were not those exertions calculated to influence people against voting with their landlords, had they been disposed to do so?—The answer I give to that question is this, that the influence of the Catholic clergy exercised was purely a moral influence, an illuminating them as to their duties. They exercised no sort of coer-

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cion afterwards upon them, to induce them to vote against even their own wishes.

7644. Do you not think those exertions which were made by the Roman Catholics at that time were sufficient to induce the people to vote against their landlords, even if they were naturally disposed so to do at that time?—I do not think that any Roman Catholic would vote against his landlord, unless he was convinced that it was morally obligatory on him to vote at the time.

7645. You stated, there were upwards of 200 persons who had suffered, and then you said you must explain it, for they have not really suffered, for the ejectments have not been put into force; and as to the rents that were due, that they had been assisted in them by the Roman Catholic Association; how then did they suffer?—I was then giving an answer to the question of an honourable Member explanatory of the views of the Beresfords in persecuting the people, they put them to the cost of bringing them into court for arrears that had been long due, although the sums were very trifling in themselves; they did not suffer subsequently, because the Catholic Association stepped in with their money and assisted them.

7646. Then their sufferings were more those arising from threats than actual loss?—They did every thing they possibly could do to eject them; but in consequence of an error committed by the assistant barrister in decreeing beyond the jurisdiction of his court, they were continued in their places.

7647. You exerted yourself a good deal in the year 1826 in that election?—I did.

7648. You spoke at the Roman Catholic chapel in Waterford?—I did once at a public meeting, at which both Protestants and Catholics were present.

7649. Was that public meeting held in the chapel?—Yes.

7650. Was it the usage at that time for Roman Catholic meetings to be convened in the Roman Catholic chapel?—Yes.

7651. That practice has, I believe, ceased?—Yes.

7652. Have directions been given by the Roman Catholic Bishops of the province of Leinster at large, to prevent meetings being held in the Roman Catholic chapels?—Yes, and it is acted on in a great measure in all the chapels.

7653. Was a layman of the church, or a clergyman in the chair, at that public meeting to which you referred?—The chairman, if I recollect right, was either Mr. Sherlock or Mr. Power Ochhee, but Mr. Stewart was present.

7654. Your exertions, since Roman Catholic emancipation, have not been as great and as active as they were before that event?—Certainly not.

7655. In appealing to the lower classes, did you and the other clergy who interfered in the election, principally dwell on a particular construction attached by you to the oath against bribery?—Yes.

7656. And that the taking of a bribe at an election is generally followed by perjury?—Yes.

7657. You held out to the voters, that they were bound not to accept money, and not to vote in consequence of any promise of worldly advantage?—Yes.

7658. That construction you consider to be the legitimate one to be put on that oath?—Yes.

7659. And it was by appealing to that oath, and not by any threat of temporal loss, that you endeavoured to sway the minds of the Roman Catholic voters?—Yes.

7660. Although you spoke but once at a public assembly in one particular chapel, immediately with reference to the election, did you and the other clergy speak generally upon the construction of the oath, without reference to the individual candidates who were to stand at the election?—With regard to the bribery oath, I felt it my duty to caution the people at mass on Sunday against perjury; I told them, that there was no security for life or property if an oath could be trifled with; I enlarged upon it as one of the greatest crimes against the Godhead, inasmuch as it makes him a party to a falsehood.

7661. Did you, or did any other Roman Catholic priest, to your knowledge, threaten the voters with popular vengeance, and with their ruin, if they disobeyed the desire of the popular leaders?—No, I confined myself exclusively to an elucidation of their moral duties, without the slightest reference to any of the candidates. I never recollect, when officiating as a clergyman, having introduced the name of any political man with a view of arraying public feeling against him.

7662. You are aware that, since Roman Catholic emancipation, the Roman Catholics have interfered in elections?—They have.

7663. You

7663. You have, to a certain extent, interfered yourself?—I have, but I must say, not so actively, and have gone very seldom into the places of meeting, to their committee rooms, or any of those places; I have been asked, and did not go.

7664. Did you conceive it to be your duty to interfere to a certain extent at elections since emancipation?—Yes.

7665. Why?—To produce better government for the country, and to put an end to the system that is every day marked by bloodshed, and the keeping the different portions of Irishmen asunder.

7666. Did you conceive it to be your moral duty to interpose with a view to the correction of a system of things from which immorality of the worst sort is derived?—Certainly.

7667. I suppose you refer to the tithe system?—Yes.

7668. Do you conceive that if the system of ballot were introduced into Ireland, that the Roman Catholic clergymen, through the confessional or through any opportunities afforded him by his clerical relation with his penitents, to be able to obtain knowledge of the manner in which an elector had voted, or of the manner in which at an ensuing election he would intend to vote?—It would be a monstrous abuse of his ministry to seek such information through the confessional.

7669. Do you limit your answer to the seeking it through a confessional, properly so called, or do you extend it to that part of the question put to you by the Committee, which related to the opportunities which his spiritual calling might otherwise afford to him?—I extend my answers to both branches of the question.

7670. Have you ever asked at confessions of any elector how he had voted, or how he would vote?—Never, and never shall.

7671. Are you convinced that if the ballot were introduced, the Roman Catholic clergy would not employ the confidence reposed in them in confessional, for the purpose of swaying voters at elections?—I am sure they would not.

7672. Do you conceive that if a better system of government were introduced into Ireland, the Roman Catholic clergy would remit in a great measure their political interference?—I am sure they would.

7673. Now you say that you have not interfered so much in election matters since Catholic emancipation has passed, but that you have felt it your duty to interfere on the subject of tithes?—I have interfered very little on the question of tithes, for this plain reason, that residing in the city where tithes did not exist, the question did not press upon me; but I have voted for those whom I knew would vote in the House of Commons for a change of the system.

7674. When you talk of a change of the system, do you mean an alleviation of tithes from the poorer classes, or do you mean that no tithes whatsoever is to be paid to the Protestant clergy; do you wish for the total abolition of it?—I should wish to see tithes altogether extinguished; but when I say that I think Government is bound to provide an adequate support for every gentleman who has already entered the Protestant ministry, because they did so under the conviction that they would be provided for.

7675. Now the system of tithes existed previously to the Catholic Emancipation Bill being carried?—It did.

7676. Are you aware that in 1826, when the Roman Catholics of Ireland petitioned Parliament, they said they did not by any means solicit, expect or wish that a single individual of their Protestant fellow subjects should be deprived of any right, privilege or immunity, of which he is at present possessed; and that in the year 1827 a Roman Catholic, Mr. Howard, of Corby Castle, in alluding to the petition stated, that they, the Roman Catholics, did not wish nor had they any right to disturb them in the possession of property which the law gives them, or to refuse to pay what is legally due from them; and that the Roman Catholics are ready, on oath, to prove that they acquiesce in this disposition of the public property, and that they have already pledged themselves to it by oath, as strongly as any other class of subjects. Now this being the assertion of Roman Catholics professing on the passing of the Emancipation Bill, that they would not disturb the Established Church in the possession of its property, or refuse to pay what is legally due from them, how do you in the year 1835 reconcile it with your duty as a Roman Catholic priest, to endeavour to do every thing in your power to extinguish tithes, bearing in mind the interests of the existing Protestant clergy?—In the first place, I never signed such a document as had been read from Mr. Howard, of Corby Castle; I never would sign it, and I cannot account for his opinions.

7677. The extracts which I have read to you are given by a Roman Catholic,

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Mr. Eneas Macdonald, who was himself the secretary of the Roman Catholic Association, who had the confidence of Roman Catholics at that time, and who now, as a Roman Catholic, considers that the means now taken to destroy tithes or to extinguish tithes, are contrary to the oaths by which the Roman Catholics bind themselves not to disturb the Protestant Established Church in their privileges and immunities?—I beg leave to observe, Mr. Eneas Macdonald never was secretary to the Catholic Association; he was a sort of agent acting for them in London.

7678. But as agent for them, was he not in their confidence?—He was in the confidence of some.

7679. Had you ever made such a stipulation as that which has been read, should you conceive yourself bound to adhere to it?—I do not conceive the country would be bound by the stipulation of an individual.

7680. The question does not allude to any stipulation made by Eneas Macdonald, but it alludes to the Catholic petition in 1826, which expressly stated that the Protestant privileges and immunities should not be disturbed if Catholic emancipation was obtained; that at the time of making this earnest request to the legislature for civil privileges, it was stipulated by the old Roman Catholics of that day, that they would not disturb the Protestant Established Church in those privileges and immunities; I ask you, had you been a party to such a stipulation previously to 1829, when Catholic emancipation was carried, would you in 1835 consider that subsequent events had absolved you from such an obligation?—I rather think the words of the oath at present are the same as those read from the petition, but in the first place I must answer, I do not conceive that any Roman Catholic could have bound himself up, or tied himself up so completely as to destroy altogether his liberty of adjudicating in the legislature upon that question afterwards.

7681. My question did not refer to what a Member of Parliament ought to do under those circumstances, but it refers to what you as a clergyman would think it your duty to do under the circumstances stated?—Then it comes to this, whether from a point of honour I would adhere to an imprudent stipulation or promise made by myself, or whether, even though I had made that stipulation, the state of the country and the public good would not prescribe a different course, but it is an hypothetical case as far as I am concerned, because I never have nor ever would sign such a petition.

7682. Then you consider the state of the country, or other exigencies of that nature, affecting the Roman Catholics at large, may exonerate you as a Roman Catholic clergyman from any stipulation which you had previously entered into?—I have already said that I would make no such stipulation; then I said subsequently that the point for my consideration, if I were imprudent enough to make such a stipulation, would be, whether as a man of honour I would adhere to my promise and stipulation, or whether I should not yield to a sense of what the public good prescribed.

7683. What is your impression, supposing that the ballot were established, of the influence of a priest over his penitent at confession on the subject of an election? I do not ask you whether you would, on such a solemn occasion, originate the question as to whom he ought to vote for, but I will ask you whether he might not have some scruples of conscience as to the mode in which he ought to vote, and would consult you on the subject?—That question must be answered by making a division in it; if the scruples arose from any attempt to interfere with his morality by even bribing him, then it would be the duty of the priest to caution him against such an immoral act, but if the penitent introduced the name of a candidate, it would be the duty of the priest to tell him that he must not introduce any thing of the kind in the confessional, that even the name of a third person could never be introduced into it. Confession is a thing solely and exclusively between the penitent and the priest, and the confession has reference solely and exclusively to the moral defects of the penitent.

7684. You say that the name of no third person can be introduced?—No.

7685. What are the rules by which this system of confession is governed?—The rules are these: according to the principles of the Roman Catholics, the priest ~~represents~~ has power from God himself in the tribunal, he is there invested with the power of conferring absolution when certain conditions exist, namely, when the penitent makes a full and unequivocal declaration of all his sins, when he expresses sorrow for having offended Almighty God, when he gives a most solemn assurance that he will not only avoid those crimes of which he has been guilty, and of which he has accused himself, but that he will avoid as much as he can all the occasion

occasions that lead to the commission of crime; then under those circumstances he prays the priest to exercise the power with which he believes God has invested him, by giving him absolution, and taking at his hand a certain penance to satisfy God's justice, which we believe can be satisfied even after the guilt of crime has been remitted.

7686. Where are those rules laid down by which confession is to be carried on between a priest and his penitent?—You will find them in a treatise De Penitentia, written by Dr. Delahogue; you will find them in a work written by a French priest, namely, Collett; you will find them in a work written by Tournelli; you will find them in various other works, particularly Latin; and you will find them in a book that Roman Catholics generally bring with them to mass when they go there, that is, the examination of conscience, the motives for sorrow, and prescriptions for the avoidance of evil.

7687. Then your system of confession is regulated by treatises published in different countries, and not by any particular canon or law passed at any conferences or any orders of your own immediate bishops?—All the treatises in the world upon confession are the same.

7688. By what original canon are they laid down?—It is laid down in the Council of Trent; in short, if you yourself could lay your prejudices aside, and read the words of our Saviour when he told his apostles to receive the Holy Ghost, and when he gave them the power to bind and forgive sins, you would arrive at the same conclusion as Catholics upon that subject.

7689. Then your standard of determining your duty as a confessor, depends upon no peculiar instructions issued by your bishop, or any canon of the church, but is collected from the various treatises which you have mentioned?—The books that I have alluded to have been generally approved of by the church, they are used throughout all the Catholic universities of Europe, and they are used in all the seminaries.

7690. Then the instructions contained in those books, as regards other matters as well as confession, are adopted by the church as rules by which their conduct ought to be governed?—By no means.

7691. Why do you consider yourself bound to consider those treatises as a standard for confession and not for other matters?—Because the matter of confession has been defined distinctly by the Council of Trent in one of its sessions.

7692. Now, if it be settled by the Council of Trent, where is the necessity of adverting to those works which you have mentioned as the standard by which your conduct is to be governed?—Because it required the elucidation of a master to bring out the principles that had been defined by the authority of the church. I believe we have several commentaries on the law made by the Parliament of England.

7693. Are there not many people who prefer reading the exposition of the 39 Articles of the English church to consulting the Articles themselves?—That is a question for a Protestant, it is not for me.

7694. Now, if a voter had scruples of conscience how he ought to act and for whom he ought to vote, and he was to ask you, as a matter of conscience, for fear he should commit sin, how he was to vote, should you consider yourself bound to give him any advice upon that point in the confessional?—If he asked me any question as to how he should give his vote in the confessional, I would give him no particular answer; I would tell him he should be influenced solely by a sense of the duty which he owed his country; I would never allow him to mention the name of a candidate in the confessional.

7695. You are aware of the pastoral letter which was circulated by the bishop after the Catholic emancipation was carried, forbidding them to hold any public discussions or meetings in their chapels subsequent to the passing of that measure?—I am, and I am aware, too, that some of the principles of it were not acquiesced in even by their own clergy.

7696. Have those recommendations been adhered to?—Generally speaking, they have.

7697. Are there not many exceptions nevertheless?—There may be exceptions, but I am not aware of them. I think the county of Waterford was as much agitated in 1826 as any other county, and I think the chapels have been scarcely made any use of since for political subjects.

7698. But if the exigency of the case arose which required, in the individual judgment of a Roman Catholic clergyman, for him to interfere for what he chooses

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to term "a good to the country," or to provide better laws, he could, according to his own individual judgment, again recommence holding meetings, or give recommendations within the church during divine service?—I do not think he could avail himself justifiably in attempting a system of agitation that had been discontinued for so great a length of time, particularly as he must be aware the great body of the clergy are against it, and the bishops particularly.

7699. But if a political exigency arose which, according to the opinion of an individual, justified him in interfering within his own church, he could do so?—He could see his bishop in 24 hours, and state the case to him, and act according to his advice.

7700. Do you mean to say that no individual would act from within that church without taking the opinion of their bishop under any exigency?—I mean to say in these dioceses, where the regulations have been made, that no priest would be guilty of an infraction of these regulations; and I mean also to say, that where the regulations have not been made, but where the practice has been discontinued, that I am not aware of any emergency that would induce a Catholic priest without the consent of his bishop to introduce political topics at the altar, to make it an arena for political discussions.

7701. What was the nature of the great exertions which you say the Roman Catholics made use of to obtain emancipation?—They first appealed to their sense of nationality; they appealed to the degraded condition in which they were unjustly held by the Legislature; they appealed to the very oath which Protestants were then in the habit of taking that stamped them as idolaters, and which called their religion superstitious; and appealed to other arguments; and they called upon the people to return members who would vote for the erasure of such an oath from the statute book.

7702. Do you mean to say that you will not use your influence as a priest to effect any political object?—If the political object be exclusively a political one, I know no case in which I would exercise my spiritual privileges to advance it; but if a political object have combined with it a moral object, I think I can make use of my spiritual privileges in giving advice to effect it. For instance, if tithes were to be considered exclusively as a political object, I should not make use of my spiritual privileges; but I cannot disconnect from tithes the moral evils which they inflict, and therefore I make use of my spiritual privileges to put a stop to this evil.

7703. Do you not consider it lawful to exercise your spiritual privileges to prevent sin?—Unquestionably.

7704. You have already stated to the Committee that you approve of tenants voting in the instance of Lord Waterford against their landlord, because you say they did it conscientiously?—Yes.

7705. Do you not consider that if to oblige their landlord they voted in a different way, they would have voted against their conscience, and therefore have committed sin?—If they voted to oblige their landlord, knowing that they voted for the perpetuation of an oath that branded their own religion with idolatry, then they were voting against their consciences; and I say that any man who votes against his conscience commits sin.

7706. Supposing there had been any one of your flock who took a different view of the subject conscientiously, and had chosen to vote of his own will and accord, and in consequence of the dictates of his own conscience, in a way contrary to that which you approved, would you have thought then he was committing sin?—Certainly not; if he was acting *bonâ fide*, then he was acting from a conviction that he was doing right. If he voted with his landlord solely to please his landlord, and if he was convinced in his own heart he was doing wrong, I say he was committing sin; but if he were voting with his landlord and against the priest, and if he felt convinced he was doing right, I say he was perfectly free from sin.

7707. Would it not therefore be your duty to exercise all your spiritual functions to prevent him voting in such a way as you would consider to be sin?—It would be my duty to prevent every man confided to my care from committing sin.

7708. And the Committee infer from your former answer, that a man may, by a political vote, commit a sin?—Connecting political and moral together, I say if a man gives a vote believing he is doing wrong, I say he commits sin.

7709. And your spiritual functions may fairly extend to counteract that?—If a man comes and asks me, it is my duty to prevent sin as much as I can; and if a man does what is in itself essentially right, but if through a wrong judgment he conceives he is doing what is wrong he is still guilty of sin.

7710. If

7710. If the Committee rightly apprehend your meaning, it is that a man who votes according to his own conscientious belief, whether it coincides with your opinion or not, that man is not guilty of sin; but if on the contrary he should vote agreeably to your opinion but against his own conscience, he would then be guilty of sin?—He would.

7711. Then the sin or not sin in the matter of voting, consists in following or disobeying the dictates of his own conscience?—Yes.

7712. Do you not consider it your duty to direct the conscience by any exhortations, or do you in all cases leave persons to exercise their own consciences in the matter of voting?—I have already stated, and I repeat it, that immediately before the two last elections for the city of Waterford, I defined to my people that the motives by which they should be influenced in voting should be solely and exclusively the good of their country, not the personal aggrandizement of this or that friend, but that they should above all things avoid being influenced by bribes.

7713. Do you confine that to your exhortations from the altar alone, or to your general exhortations?—From the altar alone.

7714. In your general exhortations, you consider yourself allowed to go further?—I do not know what general exhortations are.

7715. In your exhortations, at a time distinct from divine service in your chapel or any other public place?—I would not in the chapel; I have already observed that I have not introduced at any time in my own chapel, from the altar, a political discussion as to the merits of this or that candidate; I lay down general principles for the guidance of the people; I do not think that I asked two to vote at the last election, and yet all the people went with me.

7716. May the Committee understand from your answer, that though you have not exercised the privilege, yet you possess the right of naming or of pressing upon the people particular candidates, whom they should support as supporting what you consider their religion, their God and their country?—No; the people are too well enlightened already in the city of Waterford; they can distinguish between the merits of candidates as well as I can myself.

7717. Are you not aware that Roman Catholic priests, at the recent election, exhorted the people to vote for two particular persons, naming them and coupling them with their religion, their God and their country?—I know one of the gentlemen intimately, and I think he has too much tact to make such a speech.

7718. Are you aware of the letter that appeared, in which it was stated that a Roman Catholic priest had from the altar desired the people to vote for Mr. Vigors and Mr. Raphael, and to vote by doing so for their religion, their God and their country?—I am not aware of such a letter.

7719. Do you think it would be unfit for a Roman Catholic priest to do so?—I think religion should be altogether excluded from it; I would as soon vote for a Protestant myself as for a Catholic, and I see no reason why it should be mixed up with it at all. I would have voted for the Protestant candidate at the last election for the city of Waterford, sooner than I would have voted for either of the present representatives, if his politics agreed with mine.

7720. All other things being alike, you would prefer voting for a Protestant to a Catholic?—No; I say I would vote in that particular case for a Protestant.

7721. Why?—Because I have more respect for his political consistency.

7722. Did you hear upon the occasion to which I have alluded, that the priest exhorted the people to wait till after mass, and that he desired them not to leave the chapel yard till he had heard for whom they were to vote?—I never heard that.

7723. Would you consider it unfit or unlawful for a priest to do so?—I should think the men were great dolts who at this period of time would not know for whom they ought to vote, if they could do it securely.

7724. I apply the question particularly to your opinion of the duty of a priest; do you consider it unlawful for a priest to do so, to tell them in what way they ought to vote, in their general exhortations?—If they asked him for his advice as a suggestion, I think he had a right to give it them.

7725. Do you consider he had no right to give it to them without being particularly asked?—I can conceive cases in which even without his being asked he ought to advise them, if he found other persons had gone among them with money to bias their votes, or if they made false representations of the character of the individual for whom he intended to vote himself; I think he was perfectly justified, and bound, in the first place, to counteract the influence of bribery,

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and he was justified in removing any misrepresentation that might be sent forth with regard to the candidates whom he supported himself.

7726. Do you consider that he should not lawfully have exercised that influence without having ascertained that such things had taken place to require it at his hands?—I think if the people were perfectly free, and if the people were perfectly secure as to the choice they should make, he never need have recourse to such a means of influencing them at the election.

7727. Now, in the confessional, may you not direct your questions to any temptation into which you think your penitent may under the circumstances of the times be likely to fall, such as holding your confession a few days previously to a general election?—Unless he adverted to some particular temptation himself, or gave me some reason in his confession to think that he was exposed to a particular temptation, I would not feel myself called upon to allude to any particular temptation. If it were otherwise, there is not one in the catalogue of crime upon which I should not be obliged to question him.

7728. But you have already stated that a voter may commit a sin by his political vote?—Yes.

7729. If, therefore, and that as the man is confided to your charge in his matter of conscience, that you are bound to take care that he does nothing contrary to his conscience: now supposing that the question at issue is, whether he by his vote is to elect a candidate favourable to your religion, and to what you consider to be the well being and order of society, and that you suspected that he being the tenant of a Protestant landlord who did not wish to vote for the popular candidate, should you not consider yourself justified in preventing that individual from falling into sin, by giving a vote according to his interest, rather than according to his conscience?—If he told me himself that he was about to give his vote according to his interest and against his conscience, I would tell him that he was about to commit sin.

7730. But supposing the penitent gave no such specific and direct intimation to you, but merely that he took the view, that he should commit no great sin by voting with his landlord, while you, on the other hand, consider that it would be very conducive to the interests of religion that he should vote for the popular candidate, should you under such circumstances interfere?—I would ask him no question whatever about it in the confessional, unless he introduced it himself.

7731. Suppose he introduced it himself, what would be your answer?—If he told me he was acting as I said before, contrary to his conscience, I would tell him to desist, and not to commit sin. If he told me he was debating about the merits of the candidates, I would tell him the confessional was no place to settle that.

7732. Would you tell a voter he was committing a sin by voting in favour of your own side, contrary to his own conscientious belief?—I would tell him he was committing sin in that case.

7733. Whether he was voting for your candidate or against him, if it was contrary to his own conscience?—That is a principle of morality, and it is taken from St. Paul, and it is founded in fact upon natural religion; *omne quod ex fide non est, peccatum est.*

7734. Can you conceive any case in which an individual would go to you and tell you beforehand that he would vote against what you consider the proper course?—I cannot conceive it, unless he meant to insult me.

7735. You have already stated you would not consider it right to name individuals for persons to support in the chapel, but you said that you would exercise your influence in the way of giving lectures upon the oath, and upon bribery, and such matters. I now ask you, do you not consider such lectures may trouble the consciences of those who hear them, and force them to confession?—Very justly, just as a sermon from the pulpit disturbs the sinner.

7736. Do you not think, then, that fear of having to confess to you may cause them to vote in a particular way, or to abstain altogether from voting? You have already said, that they would not come to confess that they would vote against you, unless they wanted to consult you, therefore do you not think that the fear of having to do this, may cause them to vote in a different way, or to abstain from voting?—Why, they would not come to me if they were not afraid of Almighty God, therefore it is the fear of God, and not the fear of man, that operates upon them.

7737. If it were the fear of God which operates upon them, why did not the voters, who are tenants of Mr. Fox Lane, vote according to their consciences for the popular candidate, rather than seek to ward off the anger of their landlord by remaining neutral?—The answer I gave had reference to a distinct case, to that of coming

coming to confession, and I said that it was not from any fear that they would have of me, when coming to confession, that induced them to vote, but it was the fear of Almighty God himself, for if they had not the fear of God before their eyes, they would not come to confession at all.

7738. But if a man did not come to confession within the stipulated period of a year, would you not, as his conscience is confided to your care, jog his memory by reminding him that he had by that very act not fulfilled the ordinances of your religion, and that he ought to have come to the confessional?— If he did not come, as he is at least bound to come, once a year, I would tell him that he had not complied with his duty, and if I were aware that he had voted from any corrupt motive, such as that of having received money, as I am aware many of them did, I would tax him with it.

7739. And you would spiritually punish him for such a departure from his duty?—I would not spiritually punish him, unless he came to confession, and then I would, agreeably to the principles of my religion, impose a satisfactory penance upon him to satisfy God.

7740. Then as he must come once a year to your confessional chair, and admitting, as you say, many do vote contrary to what they know to be their duty, namely, according to their interests, such men coming to confession are spiritually punished by you, inasmuch as you give to such a penitent such a punishment as will satisfy God?— I would just punish them as I would punish any other sinner who came to confession.

7741. But suppose the sin to be a vote given at an election, you have as a priest the power of punishing that individual confessing his sin when he comes before you in the course of the year to require absolution?— I have not the power, abstractedly speaking, of imposing any penance for the vote, but I have a power of imposing a penance upon him for the *mala fides* with which he gave the vote.

7742. Then does the quantum of punishment for the offence rest upon your individual judgment of the offence, or is there any peculiar standard by which you weigh the punishment and the offence together?—You are aware there is a distinction among Catholic theologians of mortal and venial sins, that there are gradations in the order of crime, and that the judgment of the confessor or the priest will always induce him to give a certain number of expiatory exercises to the penitent, and that that number will always be regulated by the quantum of moral guilt of which the priest believes him to be guilty from his own confession.

7743. Then if a priest happens to be, from education, from local circumstances, from temperament, or from natural disposition, a violent political partisan, the punishment which would be inflicted upon the voter for his offence is left entirely to the judgment of that individual; and if he is a violent political partisan, he can inflict a much severer spiritual punishment than a more moderate person like yourself?—If a penitent conceived that there was a disproportion between the penance and the crime, he has a right to leave his priest altogether and go to another.

7744. But the power rests with the priest?—Yes.

7745. Does not the spiritual penance consist in the saying of a few prayers, and sometimes in fasting?—Yes.

7746. Might not the fear of voting against the will of God, as explained in your lectures on bribery or on perjury, induce voters to abstain from voting, or to vote in a particular way?—Yes, unquestionably.

7747. Do you not consider that if confession took place before a general election, it might influence voters?—I do not think it would, for I think that the priest would not make use of his confessional for such a purpose.

7748. You stated that the penance which you inflicted in the event of your having discovered the voter had voted unconscientiously consisted in the saying of a few prayers?—Sometimes prayers and sometimes fasting.

7749. You would never, in any case of that sort, think of inflicting any greater punishment than the prescribed prayers to be said and an additional fast?—I could not do any thing that would externally expose the nature of the crime which he had confessed.

7750. Would you think it your duty, supposing you discovered a voter had voted conscientiously and in his own belief; supposing you had found a voter voted against your view of a political question; would you think it your duty to withhold from him the sacrament of the church?—By no means; I think it would be a great

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great abuse to withhold the sacrament of the church from those who voted different from me when they voted conscientiously.

7751. Have you any idea that ever such a thing as that has ever been done by a Catholic priest in Ireland?—I have often seen it in the papers, but I have never known a single case of the kind.

7752. In your exhortations which you address to your flock in reference to elections, do you constantly state to them that it is their duty to follow their own conscientious judgment in respect to the vote they give, without being influenced by bribe or by fear?—Yes, that is just the tendency of the lecture; in fact, I spoke but once at the last election.

7753. Suppose that any Catholic landlord interfered with the liberty of the conscience of his own tenants in respect of their votes, would you think he was right in doing so?—I would think he was wrong.

7754. And if you used your influence at all, you would use it to prevent such conduct in a Catholic landlord?—Unquestionably.

7755. Has any case ever occurred in which you have addressed remonstrances to a Catholic landlord upon such a subject?—I do not know, but I differ with a great many of my friends who are Catholic landlords; I have differed with them on the votes which they gave at certain elections, but I thought in the case they were as much entitled to their own judgment as I was to mine.

7756. My question refers not to the vote of the landlord in his own person, but to his interference with his tenantry?—There is no Catholic landlord in the city of Waterford who interferes with his tenantry.

Lunæ, 13° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Morris Brennan*, called in; and Examined.

Mr. *M. Brennan.*

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7757. YOU reside in the county of Kerry?—I do.

7758. You were appointed a collector of the grand jury cess of the barony of Magonihy?—I was.

7759. In January 1830?—Yes.

7760. I believe that you were elected by a large majority of the magistrates of the county?—Yes.

7761. Up to what time did you continue elected?—Up to the last Spring assizes, March 1835.

7762. What was the situation worth?—About 200*l.* a year.

7763. Did you take any part in the last election?—Yes, I voted with Mr. O'Connell and Mr. Mullins.

7764. You are a relation of Mr. O'Connell?—I am.

7765. For whom did you take an active part?—On behalf of Mr. O'Connell and Mr. Mullins.

7766. Were you after the election dismissed from your situation?—I was.

7767. Was there any charge preferred against you with respect to the manner in which you had performed the duties of your situation?—None. The question which a gentleman, the treasurer of the county, asked was, whether there was any fault to be found with me; and the answer was, that during my appointment (a period of between five and six years, from January 1830 to March 1835), there could not be a more correct or regular officer; those were almost exactly the words used by him.

7768. Was there any instance of a collector being dismissed excepting from misconduct?—No instances in that county; nor from the inquiries I have made, in any other county in Ireland.

7769. When you were candidate for the situation in January 1830, you had for your competitor a Mr. John M'Carthy?—Yes.

7770. After the last election at the Spring assizes, Mr. M'Carthy was substituted in your place?—Yes.

7771. For whom did M'Carthy vote?—For the Knight of Kerry.

7772. Did he exert himself for the Knight of Kerry?—He did very much.

7773. When

7773. When you received intimation that there was an effort to be made to deprive you of your situation, did you apply to any of the deputy lieutenants of the county?—I did, to a Mr. W. D. Godfrey, a deputy-lieutenant of the county.

7774. What did Mr. Godfrey state to you?—Mr. Godfrey first stated, on my asking him whether it was possible that the report was true, that I was going to be deprived of my situation merely because I had taken an active part for the popular candidates at the last election, he admitted that to be the fact; but first said that his motive for promising to vote against me was because the gentleman who was going to be substituted had agreed to collect at a lower rate; to which I replied, that if the grand jury thought it reasonable, generally speaking, to reduce the salaries of the high constables, I would either do it at that lower rate, or give up the situation quietly. He then said, the fact is (or something to this effect), from the part you have taken in the last election, Mr. Blenhassett, Captain Herbert and myself, in a conversation at my house the other day, had determined, under all circumstances, to remove you. He said, at the same time, I feel a difficulty, and consider it an injustice to remove you without cause; but he said then, from the part the lord-lieutenant of the county, Lord Kenmare, has taken against you, I think you have no chance, or something to that effect; and he then said, he had seen and read his lordship's letter to his agent, directing him to canvass the grand jury against you.

7775. Have you heard of any declaration made by Mr. Christopher Bland, the father of the high sheriff of the county?—When the grand jury were voting on the occasion, this said Mr. Godfrey and Mr. Charles Bland declared that their only reason for voting against me was from the part I had taken at the last election; they declared it in open court, because the grand jury sat in open court.

7776. Did you apply to Mr. Peter Thompson to interest himself with his son in your favour?—I did.

7777. What answer did Mr. Thompson give you?—Mr. Thompson said, that his son had promised to vote against me, or would vote against me; and that in doing so, he would be influenced by the part Lord Kenmare had taken against me; and that he, Mr. P. Thompson, had seen his lordship's letter to his agent, desiring him to canvass all the members of the grand jury for Mr. M'Carthy against me.

7778. Before your dismissal did any person appear as a member of the grand jury to interpose, and ask whether there was any complaint against you?—Yes.

7779. Who was that?—Mr. John O'Connell.

7780. The father of Mr. Morgan John O'Connell, the member for the county?—Yes.

7781. What answer was there made?—There was no reply; he asked the question twice; two days before they had voted Mr. J. O'Connell asked, if there was any complaint to be made of any of the collectors of the grand jury cess, as that, if there was, it would be fair to state so then, so as to give them an opportunity of meeting any charge made against them.

7782. Now in two days afterwards, when it became necessary for the collector of cess to enter into fresh securities according to the custom, did the treasurer of the county say any thing?—The treasurer of the county was asked, whether there was any complaint made to him of Mr. Brennan, one of the collectors of cess.

7783. Who asked this question?—Mr. J. O'Connell.

7784. Before the grand jury?—Yes.

7785. In public?—Yes; to which he replied, no.

7786. And upon the treasurer declaring there was no complaint against you, was any further question asked of the treasurer?—Whether he had himself (the treasurer) any cause to find fault with me as a collector; to which he replied as I said before, that during my appointment, there could not be a more correct and regular officer, or something to that effect.

7787. Did you tender good security?—Yes, the persons who were always my surety, excepting on one occasion, when one of them was ill, was John and James O'Connell.

7788. Both gentlemen of large fortune?—Yes.

7789. What was the amount of the security?—Five or six thousand pounds.

7790. Have you any doubt that Lord Kenmare did, in consequence of the part which you took at the election, exert himself to deprive you of your situation?—I have no doubt of it, as Mr. Godfrey declared he had read his lordship's letter, and it had influenced him.

7791. Pray, before you were dismissed from your situation, and Mr. M'Carthy, the

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the partisan of the Knight of Kerry, who was substituted for you, had you been applied to to do the business at a lower rate?—No.

7792. But afterwards, when Mr. Godfrey told you in the first instance that Mr. M'Carthy had offered to do the business at a lower rate, you offered to do it yourself at a lower rate?—Yes.

7793. So that you are positive that on that ground you were not dismissed?—Certainly.

7794. Was there ever any deficiency in any of your accounts?—Never.

7795. Did you ever require any further time to pay in the account?—I always paid in within the time prescribed by Act of Parliament, which I believe is either two or three days before the assizes.

7796. I believe you were the last in the county to collect, and the first to pay in?—I was the last person, from every information that I could collect, that commenced collecting, and the treasurer invariably told me I was the first person to pay in.

7797. Did you ever return any part of your barony in arrear?—Never, which a great number of other persons were in the habit of doing.

7798. How many baronies are there in the county?—Eight.

7799. How many collectors?—Seven.

7800. One person did then collect for two baronies?—Yes.

7801. How many of the collectors voted for Mr. O'Connell and Mr. Mullins?—Two.

7802. Were they dismissed?—They were; one of those collectors who was dismissed had two baronies, and he was deprived of one of them.

7803. How many of the collectors voted for the Knight of Kerry?—Three, I think.

7804. How many collectors exerted themselves for the Knight of Kerry?—Four.

7805. Did those gentlemen take an active part in the election?—Very active part.

7806. For the Knight of Kerry?—Yes.

7807. Were any of them dismissed?—None.

7808. You have stated Lord Kenmare took an active part at the election?—Yes.

7809. Are you aware of his having after the election visited any of his tenants with any privations or hardships?—I know persons whom he refused liberty for lime and lime-stone.

7810. Were they then tenants on his estate?—Some were, and others were not.

7811. Those individuals were deprived of the privileges given to them by Lord Kenmare before the election in consequence of their having voted against his desire?—Yes.

7812. Did the agent of Lord Kenmare take an active part in that election?—He did.

7813. Did Lord Kenmare distrain his tenants, or did he eject any (in consequence of their having voted contrary to his wishes) after the election?—There were tenants distrained, but I cannot possibly say it was on that account, but the general impression was that that was the case.

7814. State what tenants of Lord Kenmare's were distrained on that occasion?—There was a man of the name of Griffin distrained.

7815. What lands did he hold?—They are, I think, the lands, Borhiens.

7816. Do you know the amount of the rent he was in arrear?—Yes, I believe a half year's rent.

7817. You are positive he was distrained?—Yes, he told me so.

7818. And a tenant of Lord Kenmare's?—He and the tenants under him told me so.

7819. Did he tell you he was distrained in consequence of his vote?—Yes, both he and an under-tenant of his told me he was.

7820. When was he distrained?—I believe immediately after the election, when he owed half a year's rent.

7821. What did he owe Lord Kenmare, his landlord?—A half year's rent.

7822. When was it due?—I should think the 1st of November.

7823. The order to distrain was after the 1st of November?—I am not certain whether immediately before the 1st of May or after the 1st of May; my impression is, it was before the 1st of May.

7824. Then

7824. Then that must have been for the November rent?—Yes.

7825. Then that was only half a year's?—Yes.

7826. You are not positive as to these particulars?—No, I am not, but I think it was a half year's rent he told me he owed.

7827. Then it must have been a half year up to November?—The impression on my mind is, it was about the 1st of May I had this conversation.

7828. Do you mean to say he was not allowed what is called a hanging gale?—I do not know the term hanging gale, but the regulation on Lord Kenmare's estate is, if one gale is not paid within the other, the two must be paid.

7829. Then Lord Kenmare in this instance was carrying into practice the rule which he had always laid down?—That was the rule; I know myself others owed more rent than that.

7830. But still the rule on Lord Kenmare's estate was that which he applied in this instance to a man of the name of Griffin?—Yes, but they considered he insisted with more severity because he had not voted with his lordship.

7831. I ask you whether Lord Kenmare was in this case of Mr. Griffin carrying into effect a rule which he had systematically laid down for the management of his estate?—I think in this case he was going further.

7832. Are you positive as to all these facts?—Merely from the man himself, the tenant telling me so, and the under-tenant.

7833. What did he tell you?—He told me he was distrained, and that it was because his master had voted so.

7834. Nevertheless, as you think that it was for a half year's rent due, and as according to the uniform practice of Lord Kenmare, a year's rent could not be due without infringing on a general rule, how do you make out any particular persecution or severity exercised in this instance?—He owed a year's rent on one farm; he did not owe a year's rent on another; he was about to be ejected out of the land that he owed a year's rent for, and he himself distrained his tenants of the other land so as to make up the rent due of the farm of which he owed the year's rent to prevent his being ejected, and then what he complained of was, that Lord Kenmare's agent should interpose and distrain those tenants that he had already distrained, which he considered was for the purpose of depriving him of the means of making up the rent that was due of the land of which he was going to be ejected.

7835. So that he was distrained for half a year's rent?—Yes.

7836. Then Mr. Griffin distrained his own tenant in the first instance?—Yes.

7837. He commenced then this system of distraining?—Yes.

7838. But how did Lord Kenmare distrain his, Mr. Griffin's, tenant, the goods having been already under seizure by Mr. Griffin?—He did distrain them; I have known it to be done before; more than that, those cattle that he, Mr. Griffin, had put into the pound; Lord Kenmare's agent had discharged them, and Mr. Griffin's idea was, he did so to deprive him of the means of making up the rent in time; that was his idea, whether right or wrong, I cannot say.

7839. Do you act yourself as a land agent?—Not at present.

7840. Have you ever?—Yes.

7841. You are pretty conversant with the proceedings in distress for rent?—Yes.

7842. Do not you know perfectly well, when goods are once under seizure for rent, as for distress, they are in the custody of the law, and cannot be taken by any body else?—I do not see any thing to prevent their being taken by the head landlord.

7843. You do not know that, by the law of the land, it is not lawful to take goods already in the custody of the law?—I was not aware it would be unlawful for the head landlord to distrain them for himself.

7844. Did you ever know yourself such a thing occur?—I did.

7845. In what instance?—I have known Mr. Galway to have interposed more than once.

7846. You have known him seize goods already under distress?—I have known him discharge those cattle that were put into Lord Kenmare's manor pound, and on his discharging them say there is rent due to Lord Kenmare, and why should you distrain for the May rent when you are not called upon for the May rent due of yourself.

7847. Do you happen to know what Mr. Griffin's tenant then owed him?—No.

7848. Was Griffin in the habit of giving his tenant the running gale?—We have no such thing.

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7849. Do you know what paying half a year's rent within another means?—Yes.

7850. Was this Mr. Griffin in the habit of giving his tenants that indulgence?—I rather think not, for he was rather distressed.

7851. Then Lord Kenmare, or his agent acting for him, was displeased that whereas Lord Kenmare allowed his immediate tenant the indulgence of paying his rent one half year within the other, that the occupying tenant should be distrained, he owing only half a year's rent?—I know nothing of it.

7852. Mr. Griffin told you nothing of that?—No.

7853. Do not you think that a benevolent landlord as Lord Kenmare unquestionably is, would have reason to be displeased with his immediate tenant, to whom he acted indulgently, if that tenant should act rigorously to his occupying tenant?—I think he ought.

7854. Is not Lord Kenmare a landlord who is particularly attentive to the interest of the occupying tenant?—I think he is.

7855. The occupying tenants in that part of Ireland are chiefly Roman Catholics?—Yes.

7856. Lord Kenmare himself is a Roman Catholic?—Yes.

7857. Mr. Christopher Galway is likewise a Roman Catholic?—Yes, he is.

7858. Now Lord Kenmare, I believe you know very well, is a landlord that does not permit the cattle and goods of his tenants, if they happen to be seized for rent, to be sold; did you ever know an instance in which Lord Kenmare suffered the occupying tenant's to be sold?—I do not recollect any instance in which he interfered at all.

7859. Did you ever hear of an instance where the person acting for Mr. Galway suffered the goods of the occupying tenant to be sold for rent?—Do you mean the rent immediately due to his lordship?

7860. Yes; did you ever know an instance in which Lord Kenmare or his agent allowed the goods or cattle which had been distrained of the occupying tenant to be actually sold on his own account?—I do not recollect any instance.

7861. You never even heard of any such instance?—I do not recollect. The explanation I give to that is, that generally speaking there are large interests under Lord Kenmare, and if one gale is not paid within the other, he will eject.

7862. The general course, therefore, in the management of Lord Kenmare's estate is this: he gives his tenants the indulgence of paying once every half year, the May gale before the November gale comes due, and if the tenants do not pay the May gale before the November gale overtakes it, then the course of the estate is to eject?—Yes.

7863. Do you know the name of the occupying tenant that Griffin distrained?—No, I do not recollect his name; I think his name was Brien.

7864. Have you not had communications with that man?—I meet a number of persons whose faces I am familiar with, and do not know their names.

7865. Did you not give him as your authority for part of the evidence you have given?—I know a good many persons whom I speak to, and do not know their names.

7866. Do you know his character?—No.

7867. You know nothing about him?—Only as a tenant living on the land, because I was in the habit of getting grand jury cess from him.

7868. You know Griffin?—Yes.

7869. Do you happen to know whether there was not a very great influence exercised, in order to procure votes for Mr. Mullins and Mr. O'Connell?—Yes, there was, so far as canvassing went.

7870. Only as far as canvassing?—Yes, and a disposition to say, I would be glad if you voted with Mr. O'Connell and Mr. Mullins.

7871. And it never went beyond that?—I know no instance of it.

7872. There was no instance of any Roman Catholic clergyman interfering in the election?—They did interfere; but I know no instance further than advice.

7873. Did they interfere at all in their chapels?—I never heard them.

7874. Did you hear of them?—I did.

7875. And was it in the chapel they used to give this advice?—I cannot say that I heard it was in the chapel.

7876. Did you hear they did, in any instance in their chapels, urge the people to vote for Mr. O'Connell and Mr. Mullins?—I cannot say I heard it was in the chapel, but I have no doubt they did outside.

7877. Outside

7877. Outside the chapel doors?—Not in the chapel, if you will have it so.

7878. You did not hear in any instance that it was done in any chapel in the county Kerry?—No, I cannot say I heard it in the chapel.

7879. What did you hear?—That they had advised them, by soliciting them or recommending them to vote for O'Connell and Mr. Mullins.

7880. And in what place did they do this?—I suppose in their houses, or wherever they met them.

7881. In their, the priests', houses?—In their, the priests', houses, if a man happened to go there.

7882. What did you hear about it?—I did not hear of any particular place.

7883. You do not believe it was done in the chapel?—I cannot say, it may or may not.

7884. What is your belief about it?—I can form no belief upon it.

7885. You cannot form belief upon it?—They may or may not.

7886. Can you form no belief whether they did it in any chapel in the county of Kerry?—I cannot.

7887. Do you believe that nothing was done but the mere ordinary request of an elector, to vote for Mr. O'Connell and Mr. Mullins?—I know they recommended and advised them to vote for Mr. O'Connell and Mr. Mullins.

7888. Do you believe no further means were used in any instance?—I do not understand what you mean.

7889. Any intimidation?—No.

7890. There was no intimidation used in the county of Kerry?—No.

7891. Nor heard of?—No.

7892. Nor by any body?—By landlord and agents only.

7893. Will you tell me the landlord that you heard intimidate?—Yes, I will; and I have seen them attending at the booths, and taking the names of the person who voted.

7894. Tell me the name of the persons that you say you heard intimidate their tenants?—I have seen Lord Listowell's agent attending there; and when an elector voted, the agent said to his attorney, "There, slap an ejectment at him," or something to that effect; that is, when he voted for O'Connell and Mullins.

7895. That was at the election?—Yes; I have seen Mr. David P. Thompson, who is agent under the courts to Lord Ventry (the Mullins property), attend there with his book and take down the names; and there are a great number of others that I could name; there is Captain Herbert, who is guardian to minor Herbert.

7896. What did he do?—I saw him take down the names of the persons who voted.

7897. Did you see Captain Herbert or his agent?—Captain Herbert.

7898. What did he do?—Attended the booth, and took down the names of the persons who voted.

7899. And who were tenants on the Herbert estate?—Yes.

7900. And who voted for O'Connell and Mullins?—Yes.

7901. Who also have you seen?—Captain Fairfield.

7902. Did he attend by his agent or by himself?—By himself.

7903. What did he do?—He had a book or paper taking down the names of those who voted.

7904. And who were tenants on the estate?—Persons under his influence.

7905. Was there any body else?—I saw Mr. Christopher Galway, agent of Lord Kenmare, do the same; I saw Mr. Daniel Cronin, of the Park, do the same.

7906. It was not an uncommon thing?—Not with those who supported the Knight of Kerry.

7907. Was it considered uncommon?—It was a matter that caused great surprise.

7908. Did you never know gentlemen attend at the previous election and take down the names of their tenants, and watch how they voted?—No, there was no contest at the previous election.

7909. Was this done to intimidate the tenants?—Certainly.

7910. Did the tenants look at it in that light?—Yes.

7911. Then, therefore, whether it was intended by the gentlemen or not to intimidate their tenants, it had the effect of intimidating them?—Yes; and to show it, I have myself known several persons who requested not to be asked to vote when their landlords were present.

7912. How do you know that?—Because I heard them apply; for instance, they

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they spoke to me not to have them brought up to vote in tallies while their landlords or the agent was present.

7913. Then you acted as agent yourself in bringing up the tallies, and they requested you not to do so?—I was a member of the committee.

7914. Then you did not limit your interference as a collector of the county cess to giving your vote for the candidate whom you wished to support, but you acted as an active partisan during the whole of the election, and bringing up in tallies the different voters to the booths?—I did, and so did all the other collectors; and I do not think that I recollected that I was a collector of cess during the election.

7915. You were there and other persons also bringing up tallies?—Yes.

7916. Now were there any of the Roman Catholic priests there in the booths?—There were.

7917. You say you had not observed this system adopted by landlords before?—No.

7918. There had not been a contested election in Kerry for some time?—At the last election there was no contest.

7919. How many Roman Catholic priests were there in the booths?—I cannot say how many; I might have seen four or five.

7920. Perhaps there were more?—I believe I might have seen half a dozen.

7921. Or a dozen?—I do not recollect that I did.

7922. You do not think there were a dozen priests at the election?—There were a great many more.

7923. How many?—I dare say there were about twenty.

7924. Did you see those twenty at the booths?—I cannot say I did, for I know there were some priests, Roman Catholic clergymen, in the town at that time that I did not see at all about the court-house.

7925. Were any of those Roman Catholic clergymen engaged in bringing up tallies?—I do not recollect I ever saw any of them bringing up tallies.

7926. Did you see them come with tallies?—I have seen them with them; I do not recollect any bringing up tallies.

7927. You see nobody take down the names of any persons at the election except landlords and their agents?—No.

7928. The question that the Committee asked you a little while ago when we got into this branch of evidence was not with regard to what took place at the election, but the Committee was interrogating you as to the preparation for the election; do you not know that there was a more than ordinary canvass used preparatory to the election to influence the votes more than merely asking men for votes?—No, I do not think I ever recollect an election where the 10*l.* freeholders were more ready and more disposed to vote with the popular candidates.

7929. And you heard of no means used but the ordinary asking for votes?—Certainly not.

7930. You did not hear of any threats at all?—Never.

7931. You never heard of any threats of exclusive dealing?—I do not know it myself.

7932. I ask you what you have heard?—I have heard of such things.

7933. Did you ever hear any thing of a death's head and cross bones?—Every body must have heard of that.

7934. You do not believe there was such a thing?—No, I do not.

7935. Do you mean to say you did not believe there was any reference made to death's head and cross bones?—I have heard of it very often.

7936. Do you believe such a thing took place and of the allusion being made use of at the election for the purpose of influencing the votes?—No.

7937. Do you believe that a death's head and cross bones was put with a view to intimidate any individual at any man's door?—I do not believe it; I heard that it was particularly put on Mr. Galway's door, and the impression was that it must have been done by the parties themselves, and for this reason, that some time back the office attached to his house was robbed, and since that time there have been, I heard, two persons watchmen, always about the place, and I do not think any person could come and make any sign or do any thing at his door without the knowledge of these people or without the consent of them.

7938. Your idea is, the watchmen put the death's head and cross bones there?—My idea is, if it was put there, it was put there with the knowledge of these very people.

7939. You do not believe that any person in addressing the people on the part of Mr. Mullins or Mr. O'Connell threatened that a death's head and cross bones should be put at the people's doors if they did not vote for them?—No, I never heard such expressions used.

7940. You never heard that such language was ascribed to any person; you do not believe that they did use that language in addressing the people?—No, I never heard it used, but I heard of it through the newspapers.

7941. Did you hear O'Connell address the people at Tralee from a window, or from a balcony, after his arrival from Dublin?—No.

7942. Did you ever hear that he had made use of this expression, that if any individual voter did not support the popular candidates, a death's head and cross bones should be fixed over his door; and that that man who would not vote for the popular candidates, and for his religion, would be a base miscreant, or words in substance to that effect?—I heard that imputed to him; but I did not believe it, nor do I believe it, as the impression on my mind is that he denied it.

7943. Are you any relative of Mr. O'Connell's?—A very near relative.

7944. What relation are you to him?—I believe a first or second cousin, or something of that sort.

7945. Do you mean to say you do not believe Mr. O'Connell said that?—I do not, if he denied it; but I heard it imputed to him.

7946. You do not believe a word of it?—I do not believe a word of it, as I understood he denied it; but I heard it imputed to him.

7947. Now you said Lord Kenmare refused liberty to the people to take lime and lime-stone?—Yes.

7948. From whom did you hear that?—I heard it from a gentleman who went to make an application for it.

7949. Had he a name?—Yes.

7950. What was it?—A cousin of my own.

7951. What was his name?—Mr. John Brennan, he was agent to Mr. Cronin, of the Park, and he went to apply to Lord Kenmare's agent.

7952. Mr. Cronin did?—Mr. Cronin had written for liberty for lime for his tenant, to Mr. Galway, and the letter went through his agent. Mr. Cronin had left the country then, and Mr. Galway told him, that after speaking to Lord Kenmare on the subject, that he had agreed to give leave to some of his tenants, but that he would not give liberty to those who voted against him.

7953. Those were not Lord Kenmare's tenants?—Some were and some were not; some were those living on the estate, and some were not.

7954. They were not his immediate tenants?—No.

7955. They were tenants of Mr. Cronin?—Yes.

7956. Was this a serious injury to them?—It is a great injury not to be able to get manure.

7957. Could they get the lime elsewhere?—No, except at great inconvenience.

7958. Do you mean to say that the tenants of Mr. Cronin had any right whatever to get either lime or lime-stone of Lord Kenmare?—No.

7959. Was it an indulgence?—It was.

7960. You never heard of its being refused before?—No.

7961. Has he refused permission to any body, excepting to those who voted for the popular candidates?—I have heard of no other instance where he refused it.

7962. Did you ever inquire whether Lord Kenmare and his agents had not refused persons whom he thought not entitled to ask an indulgence of him?—No.

7963. Did you ever inquire?—There was a general leave for lime-stone to every person, with this difference, that the persons residing upon Lord Kenmare's estate got the lime-stone at a cheaper rate than the others, and those off the estate paid double.

7964. I understand you that all those who took lime-stone, whether Lord Kenmare's tenants or not, paid for it?—Yes.

7965. Nobody got it gratuitously?—No.

7966. Was it lime or lime-stone?—The lime-stone was raised by a person employed by Lord Kenmare, for which he got so much a ton.

7967. In point of fact, what Lord Kenmare refuses to do is to sell lime-stone to a certain set of persons who voted in favour of the popular candidates?—Yes.

7968. Would this amount to ruin the parties who could not get the lime?—I have heard that several potato gardens and corn fields could not be tilled this year in consequence of it.

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7969. Then the effect of this was to injure the people who were occupying his own land?—Of course it would have that effect.

7970. For these persons were all residing on his lordship's estate?—Some of them were.

7971. Are you yourself a landlord at all?—Yes.

7972. I should like to know from you, suppose you had some of your tenants whom you were very anxious should vote for Mr. Mullins and Mr. O'Connell, and suppose that you had requested them to vote for these gentlemen, and suppose you had been in the habit of giving them what they were not entitled to, but was an indulgence, and that they refused to vote for your friends, Mr. Mullins and Mr. O'Connell, would you feel yourself bound to give them the indulgence afterwards?—I certainly would not feel myself bound.

7973. Would you do it?—I do not know how I might act.

7974. Would you think you were right in doing it?—I would be wrong in refusing it.

7975. Do you think that you would do that which you believe to be wrong?—I am not infallible.

7976. Have you heard of any particular instance in which any potato garden has been discontinued tillage in consequence of refusal of permission to get lime?—No, I have heard of no individual case, but I have heard that there was a great tract of country, a great deal of land that was likely not to be tilled at all in consequence of their having no manure.

7977. This manure which they were in the habit of getting?—Yes.

7978. It is, I believe, a common practice to employ lime in that district as manure?—It is.

7979. And there is no other place from which lime can be got, excepting at a very considerable distance?—No.

7980. Do you know what distance?—They would have to go 12 or 14 miles.

7981. Do you know whether in point of fact any land was left out of tillage for want of that manure?—I do not know any particular land, but I have heard that there was a great deal of land left untilled in consequence of it.

7982. Whose land was it; who were the occupying tenants?—I do not know.

7983. Did you hear the name of a single tenant?—Not a single one, nor did I ask.

7984. Did you not hear the name of a single tenant whose land was left untilled for want of this manure?—No.

7985. Where was the land situated that you have heard was left untilled?—In the neighbourhood where Lord Kenmare's quarry is.

7986. Then you neither heard what particular farm it was that was left untilled, nor the name of the tenant who occupied the farm that was left untilled?—No.

7987. Are you sure that a single acre was left untilled?—No.

7988. Did you hear enough about the matter to enable you to say how far in point of fact this land, if any was left untilled, was from any other limestone?—I understand it to be the land immediately near the quarry, within a mile or so immediately near it; the lands there are very coarse; it is all boggy land, coarse land; it would require a great deal of manure; you must repeat the manure continually, it is cold wet land.

7989. You are not able to say whether it was land that never before was tilled?—I heard it was with reference to land that had been tilled, stubble land; I heard it particularly with reference to oats and potatoes.

7990. Do you think the landlord ought to have any influence at all over his tenants as to voting at elections,—I do not say to control them,—but do you think he ought to have any weight in point of advice and request as a gratification to him by his tenant?—I think he ought to a certain extent.

7991. Would you think it a tyrannical thing to request a tenant to whom he had been kind and indulgent, to vote for his friend?—No, I would not consider it tyrannical to ask him if it went no further than that.

7992. Do you think it would be reasonable to expect on the part of such a landlord that the tenant should gratify him?—Yes.

7993. Do you think it would be a natural thing on the part of the landlord, that he should be dissatisfied with a tenant who would not gratify him in that?—Yes.

7994. Do you think it would be at all unnatural that the landlord should not afterwards go beyond the extent of the tenant's rights towards him, not go to gratification on his part to gratuitous kindness to the tenant if the tenant refused compliance with

with a reasonable request of that kind?—No, provided it was not accompanied by any harsh treatment.

7995. Are you enabled to state to us, of your own knowledge, one single act of harshness committed by Lord Kenmare towards a single tenant of his in consequence of his voting?—Not further than what I have alluded to in the case of Griffin.

7996. You know nothing about that but from hearsay?—No.

7997. Do you consider refusing the use of lime an act of harshness?—I do not know whether you could go so far as to say that it was harshness; it was a great injury.

7998. Is it a great inconvenience to those persons who are so refused?—Yes.

7999. Did I not understand you, that you are not sure that you might not have done the same?—Yes, but if I were to do so, I should do wrong.

8000. Do you not think that a tenant, when a landlord asks him to vote, ought to consider whether it is consistent with his sense of political duty, to comply with the request or not?—Certainly.

8001. You stated that landlords and agents attended at the hustings, and took notes of their tenants, with a view, as you suppose, to intimidation?—Yes.

8002. Can you state, of your own knowledge any particular instance, of this attendance being followed up by punishment?—I know in the case of the Rev. Browning Drew, a Protestant clergyman, upon his endeavouring to get a tenant of his brother's to vote for the Knight of Kerry, and on his refusing to do so he had him distrained.

8003. You know this?—Yes, I know it as a fact, and that he would have sold his cattle if he had not paid his rent.

8004. Were the cattle actually seized and distrained?—On his finding he would not vote, they were actually under seizure during the election.

8005. Did this person whose cattle was seized, decline voting at all, or did he vote for the popular candidates?—He voted for the popular candidates.

8006. Had he been threatened by this clergyman before he voted?—He was, in my presence.

8007. State what passed?—He asked him, would he not vote for him, his landlord, as his brother was dead, and he was acting for the family; the man said he would not or could not, or something of that kind; he told him if he did not, to mark the consequences; the man did vote, and he has since treated him with what I think great harshness and cruelty, distraining immediately after the rent was due.

8008. Were the cattle sold under distraint?—No, he paid the rent; I applied to Mr. Drew, as I was about to be appointed receiver over the property, to request he would not ruin the man, and further said, "I should wish, as I am now to be receiver over the property, not to have the unfortunate man or his family sent from the house; this is not an individual case, and you have no right to find fault with this man, persons generally did it." He declared he would give him no indulgence, and he would injure him as much as he could.

8009. He declared this to you?—To me, for I went to make the application on the part of the man to him to beg indulgence.

8010. How long had he been in arrear of his rent?—There was no arrear at all.

8011. When you say there was no arrear at all, do you mean to say there was no rent due?—There was but one gale due.

8012. When you called upon him, and asked him to show indulgence to the man, and he said he would not show indulgence; did he give any reason why he refused?—He said distinctly, for voting; and he said to me, "How would you like it yourself if your tenant voted against you?

8013. What did you say to that?—I said it was a general thing that people in general voted as they pleased.

8014. This is a Protestant clergyman of the Established Church?—Yes.

8015. Was this clergyman one of the landlords whom you said attended at the hustings to take notes, calculated to intimidate?—I did not give his name awhile ago; he was there, and watching this very man when he was voting.

8016. Can you state, of your own knowledge, any instance where any of the extensive landlords whom you have alluded to, had followed up these notes which they took with any case of persecution?—I do not know it myself; I have no personal knowledge of it further than this.

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8017. This clergyman you have alluded to asked the man's vote as the brother of the landlord, and not as in any respect enforcing his right as a clergyman?—No.

8018. Merely as the brother of the landlord?—As a person who considered himself the landlord.

8019. Did it ever happen to you at all yourself to distrain any body shortly after the gale of rent became due?—I do not think I have ever.

8020. Were you at the last sessions at Killarney?—I was.

8021. Were they held in this month of July?—On the 23d of June, I think.

8022. Before Mr. Freeman?—Yes.

8023. Was there any gentleman of your name concerned in a prosecution there for a rescue?—There was.

8024. Who was he?—A Mr. Morris D. Brennan.

8025. Was he a relation of yours?—Yes.

8026. Did that rescue grow out of a distress made for rent?—Yes.

8027. Was that distress made for rent immediately after the gale had fallen due?—It was.

8028. How soon after the gale had fallen due?—I believe the rent, as well as I recollect, only became due that very day.

8029. Your relative, Mr. Morris D. Brennan, distrained a tenant the very day the rent became due?—Yes, but I will tell you under what circumstances; this man whose cattle he had distrained were on bad terms, and he attended there I understood that day for the purpose of getting security for a year's rent; and it was upon his refusing to do so that I understood he had made this distraint.

8030. Did the distraint arise out of the election?—No, not at all, the man is no voter.

8031. Who was the landlord?—My cousin.

8032. Not acting as agent?—No.

8033. It had nothing to do with the election?—No, the man was no voter.

8034. What was the man's name?—Upon my word I cannot exactly say; but I think his name was Cronin.

8035. Where is his farm?—On the mail coach road to Tralee.

Mercurii, 15° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

James Byrne, called in; and Examined.

James Byrne.

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8036. WHAT are you?—A gardener.

8037. Have you acted as an in-door servant?—Yes.

8038. When did you come over here?—I came over the 17th May.

8039. What brought you over here?—Concerning the election of Carlow.

8040. Which election?—The election that took place 11th June.

8041. Why have you stayed in town all this time?—I have some friends in town, Lord Downes, who is going to get me some garden work.

8042. Why did you not go back to your own country after the election had terminated?—I considered this would be a better country for gardening, I should get better wages.

8043. Why do not you go back to your family; should you not like to go back to your family?—No, my family can live without me.

8044. Are you married?—No, I am single.

8045. Were you in January last, during the Carlow election, near the town of Carlow, so as to be able to say what passed upon various subjects there?—I have not been in the town of Carlow, only I went in with a freeholder, with the master whom I lived, I took back the horse and gig.

8046. What was your master's name?—Mr. Kehoe.

8047. What is he?—He is parish priest at Leighlin Bridge.

8048. How long did you live with Father Kehoe?—About 17 months.

8049. Was you living with Father Kehoe during the election of 1830 as his servant?—Yes.

8050. You

8050. You took back the gig from Carlow?—Yes, and he stopped at some hotel at Carlow.

8051. Did Father Kehoe take an active part in the election?—Yes, he stopped and breakfasted at one Nowland's, with all the freeholders.

8052. Now, previous to the election, as you were his servant, did he take any active means in inducing Catholic freeholders to vote for the popular candidates against Mr. Kavanagh and Bruen?—Yes, he did.

8053. What kind of means did he take?—On this Sunday, the 11th January, I went with him in the gig when he went to officiate there in the chapel at Milford, so, after service being over, he spoke from the altar to all the freeholders.

8054. What did he say to all the freeholders; what was the substance of what he said?—He told them from the altar to meet, after prayers, in the chapel, and he would speak a few words to them in public; and then they formed a committee, and they all came out with him, and some was for not coming at all with him.

8055. Did this committee go into the chapel afterwards?—Yes.

8056. With Father Kehoe?—Yes.

8057. And did this committee, so formed, remain with Father Kehoe in the chapel?—They would not let any body stop in the chapel but themselves.

8058. That was after service was over?—Yes.

8509. Did Father Kehoe, from that Sunday, ride about the country or go in his gig about the country to ask the voters how they would vote, or what steps did he take?—I brought up his gig to the chapel gate, and he got into the gig with me, and I went on about half a mile on the road; and there was a cousin of his own, named Patrick Kehoe, who stopped backward from the rest of the people until he was coaxing the other that was not for coming with the mob; and when he came up to this Patrick Kehoe's gate, he stopped the gig until he bade me get out of the gig, and there was one of the freeholders lame, and he put him in the gig.

8060. What took place then?—Then he ordered me to go on until I went to a house of one Mr. John Cumming, and ordered me to get a taxed cart to bring home some of the men that were too feeble to walk; they met me about an English mile from the house with the cart, I was with it, and he ordered me then to return home to his own house at Leighlan Bridge; then he gave me directions to order the housekeeper to get down some meat for 22 freeholders, and to ready out his drawing-room and get in some tables, and the dinner was ready nearly when they came home altogether, and he put them into the drawing-room, and they stopped there from the 11th January until the 13th January.

8061. Those 22 freeholders?—Yes, and more that came in.

8062. Stopped from what day?—From Sunday night until Wednesday morning, until they were brought into Carlow in jaunting cars.

8063. How did these 22 men sleep in this house?—I collected beds and bedding for them through the town and country.

8064. You made a requisition on the country people of the different houses, and borrowed beds in Father Kehoe's name, for the purpose of lodging these 22 freeholders?—Yes.

8065. Now were there more than 22 freeholders at any time?—Yes, about 40.

8066. Now how many do you think slept on Monday night or Tuesday night at Father Kehoe's house?—I think about 30. I got nine beds for them, and they were spread in the parlour along at different sides; and they joined the beds together, that three might sleep in a bed.

8067. And about 30 you say slept in the house?—Yes.

8068. Did they march into Carlow on the Wednesday morning?—Yes.

8069. During Monday and Tuesday did they walk out into the grounds?—They might walk about the hall door and the lawn, but he would not allow any of them to go down into the streets at all.

8070. Was it at all kept secret that they were there?—No, it was not secret, the public knew it about the streets; but they would not be allowed for fear they would be taken up by the police; they were in dread.

8071. The man was in dread?—No, Mr. Kehoe was in dread that the men would be taken up.

8072. Were the men in Mr. Kehoe's house with their full consent; did they like to be there, eating and sleeping in his house; or would they rather be free in their own house, and vote which way they pleased?—Why they were very uneasy the first night; and if they were left at their own will and pleasure, without Mr. Kehoe interfering at all, they would have voted for Bruen and Kavanagh.

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8073. Now do you think that the extraordinary circumstance of Father Kehoe, a parish priest, having 20 or 30 men eating, drinking and sleeping in his house was because he wished to be civil and kind to those men, or was it because he was afraid that if he had them not in his house, that they would, if left to themselves, go and vote for Kavanagh and Bruen?—Yes, he was afraid they would not vote for the liberal candidates.

8074. Now while you were at Father Kehoe's house, and waiting on these freeholders, I presume you saw them repeatedly, did you not?—Yes.

8075. Did it appear to you they were unwilling to remain there, and would much rather have been left at liberty to go to their own homes?—I heard some of the men say that they were very uneasy when they were not at home with their families.

8076. Did you ever hear them say they wished they had not been brought there to vote for the liberal candidates, or any words to that effect?—No, Sir, they said that they were afraid—that they were sorry afterwards that they did not stay at home.

8077. Why did they come to Father Kehoe's house; did he press them to come?—He did press them to come from the altar.

8078. And some that were feeble, you say, were brought in carts?—Yes.

8079. To his house?—Yes, there were two old men.

8080. Now did Father Kehoe, from the altar, state to these men why it was necessary they should come to his house?—No, not in my presence.

8081. Now is Father Kehoe, with whom you lived for 17 or 18 months, is Father Kehoe in the habit of addressing his parishioners from the altar in this manner?—Yes, he is.

8082. Now, for instance, is he in the habit of using such words as these, "Is there any one here who will barter his soul for his landlord? there is one wretch who has done so, do you know who I mean? the man so and so, the hypocritical, proselytising apostate Lickspittle and his brother;" do you think that Father Kehoe is a person who is capable in the church of using such words as these?—Yes.

8083. This person, whoever he is, Lickspittle, who do you think he means by that?—I know who he is. He said, on the Sunday before I came away from home, he said, for to mark the same person as a branded sheep and his family.

8084. Did Father Kehoe, in the church, say that this individual ought to be marked like a branded sheep?—Yes, he said it from his altar.

8085. Who did he mean by that term, that the man ought to be so branded; was it Tom or Jack, or what was his name?—Patrick O'Neil.

8086. Do you recollect on the Sunday before you came away what he said from the altar to the people that were present, besides "the branded sheep;" you say that on one Sunday he said, "that Patrick O'Neil ought to be marked like a branded sheep?"—Yes, and his family.

8087. Did he say any thing else, that they ought to be pointed at, or any thing of that sort?—No, if he was making any subscription, or sending any person to make any collections, he would not go near himself or his family.

8088. Was it not priest's dues you mean?—Yes, collections for repairing of the chapel.

8089. Did he mean to consider this man, by saying he would not go to him to collect any thing from him, did he mean to hold him up as separated from the Catholic flock of the parish?—Yes, he meant to hold him up for a spy; for a mark for every one to throw reflections upon him, and to publish him from the altar to every one far and near.

8090. Did he ever say any thing else about this Patrick O'Neil?—No, only during the three days and three nights that he had the freeholders in his house; he would continually speak of it from the head of the table, and all the freeholders of course would join him.

8091. Did you ever hear him say any thing at the altar as to Patrick O'Neil, except on that occasion?—No; since the first election he always rejected him, and threw reflections on him.

8092. Did Father Kehoe, at the head of his own table as well as from the altar, speak to the freeholders and hold up Patrick O'Neil as being this bad character, and hold him up as a marked sheep?—Yes.

8093. Therefore you have no doubt of the fact, that from the altar he held up this individual in the manner you have represented?—He did.

8094. Now

8094. Now subsequently to the election, was the pew, or the form or bench on which Patrick O'Neil sat in the chapel destroyed or taken away?—It was broken, and thrown up in the trees in the chapel yard.

8095. And how was it thrown up in the trees in the chapel yard?—The foot of it and the side rail he throwed here, and the seat he threw in other parts of the yard; it was thrown out entirely in the yard altogether.

8096. Was that understood to be, that he was not allowed to come into the chapel and have his usual place at public worship, was it meant as a mark of disrespect to Patrick O'Neil?—Yes, but Mr. Kehoe did not say that.

8097. Who did this?—It was not known.

8098. Now did he ever use any language in the church, telling them that they should not vote for Cavanagh and Bruen; did he ever mention them by name?—He did.

8099. And who did he tell them to vote for?—He told them on the first Sunday; he said for not to vote by no means for Mr. Kavanagh and Mr. Bruen.

8100. But to vote for whom?—Or else if they would, they would be oppressed, and that they should pay the tithe and so on.

8101. And who did he desire them to vote for?—He told them to vote for Mr. C. Evans and Mr. Wallace.

8102. Now how long have you lived in that part of the country?—I was born and bred in the country.

8103. Is your father living there still?—Yes.

8104. Is he in service, or what was he?—He works under his landlord.

8105. How long has he been tenant with him?—Since I was born, and father before him and grandfather.

8106. So that your family have been for several years the tenants of that family, Colonel Rochford's?—Yes.

8107. Now what made you leave Father Kehoe's service?—I had not wages enough; the wages were too small.

8108. What did you receive a year?—Five pounds.

8109. And clothes?—No, he gave me some of his own cast off clothes; no new clothes.

8110. Now if you were to be desired to go back to Leighlin Bridge, in that part of the country, should you feel yourself, after having given this evidence before this Committee, should you feel yourself perfectly safe?—I would not be safe; they would put me to death.

8111. Is that your firm conviction, that they would put you to death for having given this evidence before this Committee, as regards Father Kehoe?—I am.

8112. You think, then, your life would not be safe; that in a few days probably you would be killed if you went there?—My life would not be safe.

8113. You left to get better wages?—Yes.

8114. Have you got better wages?—Lord Downes has promised to get me into a garden, and I had made an application by the recommendation of Mr. Francis Bruen.

8115. Who is Mr. Francis Bruen?—I never saw the gentleman in my life, and he did not see me.

8116. Until when?—Until I came to London.

8117. Now you came to London for the purpose of giving evidence before the Carlow Election Committee?—Yes.

8118. And then it was that you first saw Mr. F. Bruen?—I never saw him until within the last six weeks.

8119. You came over therefore on the first election petition?—Yes.

8120. Do you know why you were not called as a witness?—I do not know.

8121. Are you now employed as a gardener?—I am going on eleven years.

8122. At this moment?—No.

8123. You have no employment?—I expect to get into a garden; my lord knows me, and I expect to get into some situation as a gardener.

8124. Have you seen Lord Downes?—Yes.

8125. Lord Downes has an estate in that county?—He has.

8126. He is a friend of Mr. Bruen's?—Yes.

8127. Have you got any money for your support from him since you have been here?—No.

8128. How have you lived here?—I live with a man of the name of Lawless, my own countryman.

8129. You only got 5*l.* a year?—No.

8130. How much had you in your pocket when you left the priest?—I had not much.

8131. You had no money?—No.

8132. Have you any money now?—No, I get entertainment from Lawless until I can get work.

8133. When you were brought over here, did you get no money?—No.

8134. Did you get any money from any body?—No.

8135. Did you receive a summons to attend?—No, I came willingly.

8136. Did not those for whom you came willingly give you any thing?—No.

8137. How did you pay your passage?—I have not seen Colonel Rochford till I came to London.

8138. How did you pay your passage?—The high constable paid it.

8139. The high constable of the county?—Yes.

8140. What is his name?—Malone.

8141. He gave you money to come to London?—I have not got any money.

8142. How did you come to London?—I have not received any money.

8143. How did you pay your expenses to London?—He paid them.

8144. Did you come with any body to London?—There was a great deal of people in the coach I did not know at all.

8145. Was there any body you did know?—Yes.

8146. Who paid for your eating and drinking?—The high constable.

8147. Who is the high constable?—Malone.

8148. He is a police constable?—No.

8149. He is a collector of the barony?—Yes.

8150. And he told you he would support you while you were here?—No, my passage was paid up, and then I went to this man and I told him when I got employment I would pay him more than a stranger.

8151. Had you told these things which the priest did before you left his service?—No.

8152. Are you a Catholic?—I am.

8153. When did you first tell it?—I have not told it till I came here.

8154. You never told any body till you came into this room; any private person?—Yes, I have.

8155. Who did you tell?—I have told the man I live with.

8156. Who do you live with?—Lawless.

8157. Did you tell Lawless in Ireland?—No.

8158. Who asked you to come to England?—Myself.

8159. Who did you apply to to bring you?—No one.

8160. What made you come to England?—I came to get a living; the wages were too small; I had not got wages in Ireland; I professed gardening.

8161. Where did you see the constable; did you see the constable before you came to England?—In the town of Carlow.

8162. Did you tell the constable you were coming to England?—Yes.

8163. Did you know him before?—No.

8164. Was he going to England?—He was.

8165. How did you know he was going to England?—It was he paid my passage here.

8166. How did you know he was going to England?—I was told at the coach office.

8167. Had you determined to go to England before you saw the constable?—I had.

8168. When did you first fix on coming to England?—This last six or seven months.

8169. Then did you ask the high constable to pay your expenses?—I told him I was coming to England to give fair evidence for Mr. Bruen and Mr. Kavanagh, and he said he would pay my passage.

8170. Had you ever said any thing about coming to give evidence for any body else before that?—No, not in Ireland.

8171. Did any body ask you to give evidence?—No.

8172. Have you got your discharge from Father Kehoe?—No, I have got no discharge this last time.

8173. Did you ever live with any body before you lived with Father Kehoe?—Yes.

8174. Who?—Colonel Rochford.

8175. Did you get a discharge from him?—Yes, nine years.

8176. You say you mentioned this circumstance to Lawless, the man you lodged with?—Yes.

8177. Did you ever mention it to any body else?—There are different people know of it.

8178. Did you ever mention it to any body else?—No, only to the family of the house of Lawless.

8179. To nobody else?—No.

8180. Did the high constable Malone, when you were in Carlow, know you had been living with Father Kehoe, and that you could give evidence; he was coming over as a witness for the Carlow election?—Yes, he did not know it from me till I was some miles on the coach.

8181. Then you told him what had passed during the Carlow election?—Yes.

8182. Was it then he promised to pay your expenses?—No.

8183. When did he promise to pay your expenses, your coach hire?—At the coach office in Carlow.

8184. Then before you got upon the coach, chief constable Malone told you that if you would come with him to London to give evidence, he would pay your just expenses?—No, he did not; he asked me, "could I say a great deal concerning the election for truth?"

8185. What did you say?—I said I could, and no more.

8186. Then it was he agreed to pay your coach hire, if you would agree to go with him?—No, he paid it before.

8187. Did he know you were Father Kehoe's servant?—No, he did not.

8188. You are sure of that?—I am.

8189. Did you tell him you were his servant?—I did afterwards.

8190. How do you know he did not know you were Father Kehoe's servant?—He never saw me before.

8191. Were all these people you have mentioned in one room—these 23 voters?—They were in the parlour sleeping, and in the bed-room up stairs.

8192. Did most of these people vote, or all of them vote as the priest wished?—All of them voted with him.

8193. Did all these vote for the liberal candidates?—Yes.

8194. All that he had in the house?—Yes.

8195. And were those the tenants of landlords who wished them to vote a different way?—Yes, if the tenants were left to their own free will they would vote with their landlords.

8196. For whom did they vote?—For them two men who was putting up for the county; Mr. Wallace and Mr. Evans resigned, and Mr. Kehoe was in Carlow the same day that they resigned; and he brought home word in the afternoon that they resigned; and all the freeholders and Mr. Kehoe was at dinner, when he stood at the further table; they asked him "what now?" and he said, "that Mr. Evans and Mr. Wallace had resigned, and they was to vote for Mr. O'Connell and Mr. Cahill."

8197. Did he give them an order that they were to vote for them?—He spoke from the head of the table to all the freeholders who they were to vote for, and whether they would make any mistake that they were to vote for Mr. O'Connell and Mr. Cahill.

8198. What did they say?—They said they would.

8199. You say these freeholders would rather have voted for Mr. Kavanagh and Mr. Bruen?—Yes.

8200. Why, because they were afraid of their landlords if they did not vote for them?—No, they were not afraid.

8201. Why?—They were afraid of the mob; they were afraid of the country.

8202. Why would they rather have voted for Kavanagh and Bruen?—Because they are good gentlemen to the country at large.

8203. You said they were afraid of the mob; you think if these 20 or 30 Roman Catholic freeholders had gone up the street to vote for Kavanagh and Bruen, and it was publicly known, do you think they would have been ill-treated by the other Roman Catholics?—Perhaps they would not have been ill-treated there, but they would have their houses burnt at night; they were afraid if they would not go with them.

8204. Did you ever hear Father Kehoe denounce any other persons from the altar, that he would mark them as branded sheep except Patrick O'Neil?—No, unless

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unless any body that would not go with them; he spoke from the altar, any one that would not go with them he would mark them.

8205. Therefore it was considered, was it, by the rest of the parishioners in the chapel, that Patrick O'Neil was held up as a threat and intimidation, that if they did not vote in the way the priests wished, for the liberal candidates, that they would be marked?—Yes.

8206. That all others would?—Yes.

8207. Was that considered as a threat of intimidation by the people?—Yes, that they would know who he was, and they would mark him, and make fun of him, and injure him in every way they could, you see.

8208. What Sunday was that?—It was the Sunday after the election.

8209. When was it he talked about Patrick O'Neil?—He spoke several Sundays before and after the election.

8210. Was it the Sunday he spoke about Patrick O'Neil, that he spoke about the rest of the congregation?—No; the Sunday before the election he spoke from the altar, and he gave a hint to them, that if he would not go, or others would not go with him, that they would be marked.

8211. Describe to the Committee what he said in that hint; what did he say?—I have not retained it in my mind, I know he said it.

8212. Were you present?—Yes.

8213. Cannot you give any notion of what he said?—He told them the same week before the election, Mr. Wallace was there and Mr. Evans, and they spoke publicly from his own hall-door, and then the Sunday after he went to the chapel, and told the public who they were to vote for.

8214. What did he say?—He told them that they were men that did good for their country, and all this; and spoke in that line, and for them to vote for nobody else.

8215. Who did he say were men that did good for their country?—Mr. Wallace and Mr. Evans.

8216. Did he mention their names?—Yes.

8217. In the chapel?—Yes.

8218. What part of the chapel was he in?—On the altar.

8219. Was it after or before divine service?—He did not finish divine service, it was the time he generally spoke from the altar that he spoke of it.

8220. Did he say that they were not to vote for Kavanagh and Bruen?—Yes.

8221. And that they were to vote for Wallace and Evans?—He said, if they voted for Kavanagh and Bruen they would be oppressed, and that they would have to pay the tithes and heavy taxes, and so on.

8222. What else did he say would happen to them if they voted for Kavanagh and Bruen?—He said that they would be marked, that they would be disgraced in their generation to their children afterwards.

8223. Did he say any thing about Patrick O'Neil that day?—No, no more than what I have told you.

8224. Did he say any thing about Patrick O'Neil that day?—No.

8225. Were you present when Father Kehoe used any words about Patrick O'Neil upon any other occasion than the Sunday after the election?—Yes.

8226. On the Sunday after the election he talked about holding up Patrick O'Neil as a marked sheep?—He would speak to them every Sunday that he went to the chapel at Milford; he would mention his name; there were some Sundays that he did not.

8227. When Father Kehoe addressed his parishioners from the altar, was he dressed in his robes as a clergyman?—Yes.

8228. And at what period is it that he so addresses the people?—Before the gospel of St. John.

8229. You lived with Colonel Rochford?—Yes.

8230. In what capacity, in the stable?—In his garden.

8231. What wages did you get?—Five shillings a week after the first four years. I had 6*d.* a day when I first went, and then my wages were raised to 8*d.* a day.

8232. Why did you leave Colonel Rochford?—The family came off from the continent, and he set his garden.

8233. Then you went to live with the priest?—No, I went home then and stopped at home.

8234. And then you volunteered to give evidence against your old master?—I went to work then at one Mr. Thomas Thorpe's.

8235. After

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8235. After that you went to Mr. Malone's, and volunteered your evidence against your old master?—After that I went to Mr. Kehoe's, and I stopped with him about 17 months, and I left him without any argument or any thing.

8236. You left your master without any dispute, and then you went to the chief constable and volunteered your evidence against your old master?—No, I did not go to the chief constable. I came to London; he paid my passage.

8237. Suppose you had not met the high constable there, how would you have paid your passage?—My passage would be paid, of course.

8238. By whom?—I would get my passage paid by the gentlemen, I suppose the high constable.

8239. I say, if the high constable had not met you, by what gentleman would your passage have been paid?—Some of the gentlemen of the county.

8240. Who?—I suppose Colonel Rochford, or any of them.

8241. Were you at Carlow on the day of the election?—Yes.

8242. Did you see those people who lived with the priest going up to the poll?—No, they went into the house opposite the new court house, and breakfasted there.

8243. And from there they went into the court?—Then I returned home.

8244. You did not see them going into court?—No, Mr. Kehoe stopped there during the election with them.

8245. And were they separated from their clergy till after the election?—No, they were not.

Robert Mullen, Esq. M. D., called in; and Examined.

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8246. WHERE do you reside?—At Dunshaughlin, in the county of Meath.

8247. I believe you are a member of the Meath Club?—I am secretary to the Meath Club, and have been since 1830.

8248. What is the Meath Club?—It is a political association for the registration of voters, and to secure the return of popular members.

8249. How long have you been in that capacity?—Since 1830.

8250. How many elections have there been since?—Five, three of them were contested; and at two elections the unsuccessful candidates retired on the day of nomination.

8251. Have you taken a part at those elections?—I have taken a very active part.

8252. Are you aware of any threats having been employed by landlords, in order to induce their tenants to vote according to the wishes of the landlords?—I am aware of several instances in which threats have been employed in order to induce tenants to vote according to the wishes of the landlords, and against the wishes of the tenants. I have seen a letter from a noble lord, directed to his agent, for the purpose of being shown to his tenants.

8253. Have you an extract of that letter?—I have.

[*The following Letter was put in and read.*]

"I shall make it a point to know from you (if there are any) the names of all such of my tenants who do not wish to oblige me with their interest, and will not go to vote. Time may come when they may want me to oblige them; we may then fairly toss up our pretensions and strike the balance. If there are any who have refused to oblige me by going, through a pretence of fear, I beg you will ask them again from me, and let me know their answer."

8254. Can you produce the original of that letter?—I can.

8255. Who is the nobleman?—Viscount Gormanstown.

8256. Can you refer to any other written document, for the purpose of establishing intimidation on the part of the landlords?—Yes, ejectments have been served on tenants during the election, some of which I have in my possession.

8257. Can you refer to any other letters by which intimidation on the part of the landlord can be established?—I have three letters, written by a landlord since the last election.

8258. Have the goodness to produce them; are those the originals?—These are the originals addressed to the tenants.

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[*The following Letter was then put in and read, addressed to Mr. Owen Reilly, Proudstown.*]

Black Castle, 25th March 1835.

Owen Reilly,—I give you notice, that I require payment from you on my next day of receiving the year's rent of your holding, due to me this day. I have given you my reasons already for this.

Yours, *R. R. Fitzherbert.*

He was always in the habit of taking half a year's rent when the year's rent was due; he then called for the whole year's rent.

8259. What is the date of that letter?—The 25th of March 1835. The usual time of receiving the rent was the first week in June, and he usually received the half-year's rent due the preceding September in that week. There is a letter from the same gentleman directed to Mr. Thomas Curran, of Lunerogue.

[*The following Letter was then put in and read, addressed to Mr. Thomas Curran, Lunerogue.*]

Thomas Curran,—In such times of agitation as these it is not safe to leave a landlord's arrears of rent uncollected. I therefore give you notice that I shall require at the usual day for my rents being paid your year's rent falling due this day.

25th March 1835. Yours truly, *R. R. Fitzherbert.*

Here is another letter for the same rent:

[*The following Letter was put in and read, addressed to Mr. Robert Milade, Donoughmore.*]

Black Castle, 25th March 1835.

Dear Robin,—As I before told you, I shall require of you, at the next day for paying your rents, to pay me one year's rent due this day. In such times of agitation landlords must get in their arrears.

Yours truly, *R. R. Fitzherbert.*

8260. Were the persons to whom those letters were addressed electors of the county?—They were, and they voted at the last election.

8261. How did they vote?—For the present sitting members, Mr. Grattan and Mr. Morgan O'Connell.

8262. Are you aware of tenants being threatened with the service of ejectments if they did not vote as their landlords desired?—Yes, I heard so from the tenants themselves, and I have an ejectment that was served during the canvass at the last election.

8263. Have you any doubt the serving of ejectments was threatened by landlords?—I have not.

8264. And that ejectments were served in consequence?—I have not.

8265. Pray do you know of any tenants in the county of Meath having been taken out of their houses at night by the drivers of landlords in that county?—Yes, I do; in the year 1831, the tenants of Lord Darnley and General Bligh were taken out of their houses in the night by a party of police, commanded by a chief constable and attended by a magistrate of the county; they were taken into the town of Athboy, and locked up there during the night; the next day they were brought into Trim escorted by the police, and locked up in a house there.

8266. This happened during the election?—Yes, during the poll; one of them contrived to throw a letter out of the window, which was picked up in the street, stating that he was kept in against his will; the assessor made an order to admit the agents of both parties, and this man subsequently voted for Mr. Grattan.

8267. Were any orders given by the assessor in consequence of this proceeding of the police?—The assessor, Mr. Cruise, gave orders that the police should not be employed again in such a manner, and they were not so employed again at that election.

8268. At the last election, did the agents of any landlord employ the police upon any occasion?—The agent and driver of Lord Darnley went, accompanied by seventeen police, at night.

8269. Where did they go?—To the houses of the tenants of Lord Darnley and General Bligh; most of the tenants having received an intimation that such a thing would happen left their houses that night; there were two of them escaped out of the windows half naked, and remained in the fields during the greater part of the night; in the morning they came into Athboy and joined our party.

8270. What party?—The popular party.

8271. Who

8271. Who were the candidates at the second election that you alluded to, where the police were employed?—At the first election the Hon. Mr. Bligh and Mr. H. Grattan were the candidates; at the last election, Mr. Grattan, Mr. Morgan O'Connell, the Hon. Mr. Plunkett and Mr. Lambart.

8272. Have you during the election seen the landlords and their agents in attendance upon the booths while their tenants were voting?—I have.

8273. Do you believe that the landlords and agents attended for the purpose of influencing the tenants to vote as the landlords desired?—That is my conviction.

8274. Have you any doubt about it?—I have not.

8275. Were any tenants upon the estate of Lord Darnley and of General Bligh dispossessed and distrained in consequence of their voting against the wishes of their landlords?—There were.

8276. Were penalties enforced against those refractory tenants which otherwise would not have been insisted on?—There were.

8277. What were those penalties?—There was a man of the name of Ward; he was bound by his lease to slate his house under a penalty of 50*l.*; he never did it for many years, and after the election he was sued for the penalty, and was obliged to pay it.

8278. Might the penalty have been recovered on any previous occasion?—It might, as I understood.

8279. Do you believe that in any instance the electors have been induced by the popular party to vote against their real sentiments and feelings?—I have never known an instance.

8280. Have you known many tenants who have declined voting for the popular party from fear of incurring the displeasure of their landlords?—I have.

8281. Do you know of landlords preventing their tenants from registering, lest they should act against the wishes of their landlords?—I have seen it very generally practised at the registration after the Reform Bill.

8282. In what manner was that done?—Some of the tenants told me the facts; I saw myself a landlord come into court to oppose the registering of a tenant (who had already been registered) as a 20*l.* voter. This landlord had polled the same tenant a twelvemonth before as a 50*l.* voter, and the tenant took the qualification-oath in his presence; he procured the will of this tenant's late father from the executor, and endeavoured to disqualify as a 20*l.* voter the very tenant who had at his own instance taken the oath of qualification as a 50*l.* voter the year before.

8283. Was the man disqualified?—He was not; he established his qualification.

8284. Do you believe that any Protestant electors have been prevented by popular intimidation from voting according to their wishes?—I do not think there were; there were 17 Protestant electors voted for Mr. Grattan and Mr. O'Connell at the last election; eight of them resided out of the county, and of course could not be affected by any agitation in it. Most of the others were 50*l.* freeholders, and they are a class upon whom intimidation very seldom operates; seven of them were 50*l.* freeholders, one a 20*l.* freeholder, and the other a 10*l.* freeholder.

8285. What was the total number of voters who voted at the last election, do you recollect?—I think nearly 1,200.

8286. Of what religious persuasion are you?—A Roman Catholic.

8287. Do you know of a nobleman having gone at night to the houses of his tenants, and having taken them to his castle for the purpose of preventing them from voting?—Yes, I have heard of it.

8288. Do you believe it?—I believe it; it was the same Viscount of whom I spoke before, Lord Gormanstown.

8289. Is he a Roman Catholic?—He is.

8290. Who did Lord Gormanstown support, the popular candidates or the unpopular candidates?—He supported Mr. Bligh, the unpopular candidate. As I have mentioned Lord Gormanstown's name, it is due to him to state that he has never since interfered in the elections, and has allowed his tenants to vote as they wish, nor has he persecuted any of his tenants who voted against his wishes in 1831.

8291. How many Roman Catholic parish priests are there in the county?—Thirty-five.

8292. How many of those priests interfere in elections?—There are seven of them members of the Meath Club, and they are the only priests that interfere in the elections.

8293. Do you know of any priest having interfered for the Tory candidate?—Yes; there was an instance at the last election of a Roman Catholic priest having

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recommended one of the Tory candidates from his altar, and yet none of the parishioners voted for him.

8294. Do you speak that fact from your own knowledge; were you present and heard it?—I was not present; I live within three miles of the chapel; I heard it from the voters who were there.

8295. You heard it from the voters who actually did hear it?—I did; I have not the smallest doubt of the circumstance having occurred.

8296. None of the congregation obeyed the direction he gave?—No.

8297. How many of the parish priests belonging to the county of Meath attended at the election?—Previously to the last election there was an order that no Roman Catholic priest, except electors, should go to the assize town during an election.

8298. How many are electors?—I think sixteen, thirteen in the county and three resident out of the county.

8299. How many Roman Catholic priests belonging to the county attended the last election?—I think not more than sixteen or seventeen belonging to the county.

8300. Both parties exerted themselves a good deal at the last election?—Yes.

8301. I believe that exclusive dealing was practised by both parties?—It was threatened and practised by both parties.

8302. Can you mention any instance of a tenant of your own having been influenced in regard to his custom?—I can; it was a tenant of my own, of the name of Eiffe. I called upon him in company with one of the candidates, and he told us that several Protestant clergymen got bread from him, and that he would forfeit their custom if he voted for him.

8303. He is a baker?—Yes; he also mentioned that a pound's worth of bread had been got the week before from Dunsany Castle, and that it would be continued; I told him it was likely they would send for no more bread after the election, and the fact turned out so; he voted for Mr. Plunkett.

8304. Were the family resident at Dunsany Castle at the time?—None but Mr. Plunkett.

8305. Did Mr. Plunkett continue to reside there after the election?—No, he did not; but there was an establishment there, and they got the bread elsewhere.

8306. This quantity of bread was ordered from your tenant while the large establishment was there?—Yes.

8307. During the canvass?—While there was a large establishment.

8308. But during the canvass it was that this fact took place?—Yes.

8309. After the larger establishment had been discontinued and the smaller one left, was a smaller quantity of bread or no bread at all ordered from your tenant?—I believe for a week a smaller quantity, but after that no bread at all.

8310. Was any damage done to that man's windows at the election?—I heard of a pane of glass in one of his windows being broken; the party was brought to the magistrates of petty sessions; I do not think he established any act of violence; I was not at the petty sessions' court.

8311. Was there any act of personal serious violence committed by the popular party during or after the election?—I have never known a person lose his life or even maimed in the limbs during the last five years by the popular party in consequence of his vote at the election.

8312. Do you know of any assault being committed by the popular party?—No.

8313. Nor any injury done to property?—No.

8314. Did you see a large body of Orangemen marching to Trim during the election?—I think there were about 200.

8315. From what counties did they march?—From the counties of Kildare and Westmeath, and some, I believe, from the county of Cavan.

8316. In what order did this body move?—They marched two and two.

8317. This was upon the first day of polling?—Upon the first day of polling. I saw a body of them marched into the town; they halted opposite to the committee-rooms of the Tory candidates. A member of the committee addressed them from the window.

8318. Who was that member of the committee?—Mr. Blaney Wade, deputy lieutenant of the county.

8319. And a magistrate?—Yes.

8320. What did he say?—Our committee-room was nearly opposite, and after he had been some time speaking, I walked up to hear what he said, and I only heard the concluding observations.

8321. What

8321. What were the concluding observations?—" Our chief reliance is upon you," or words to that effect.

8322. Was that addressed to the Orangemen?—To the Orangemen.

8323. Had these Orangemen arms?—I saw many of them with arms, and I heard that most of them were armed; I saw the high sheriff take a dagger from one of them in court.

8324. Were those persons voters?—I only saw one voter amongst them.

8325. How did they get into the court-house?—The police admitted them always freely into the court-house; they admitted none of our party unless they could show a certificate of registry; when I say none of our party, I must except the better class of people on our side.

8326. Do you mean to say that this body of armed Orangemen, who had come from three different counties to attend the election, were admitted by the police into the court-house?—I do.

8327. Do you know of the Orangemen at King's Court having used any threats to the tenants of Catholic landlords?—I heard of their threatening the tenants of Mr. Strong Hussey, of West Town.

8328. Mr. Strong Hussey is a Roman Catholic?—He is.

8329. Did you hear of these Orangemen having committed a homicide in Kells?—I have heard of a man of the name of Henry, who was murdered in Kells the day after the election by some Orangemen, after their return from Trim.

8330. What was the verdict on the coroner's inquest?—The verdict was, that he came by his death in consequence of a wound inflicted by a sharp instrument by either of certain individuals, four or five, they being present.

8331. They were Orangemen?—I believe so.

8332. Belonging to that party who marched into Trim?—I believe so; I was not at the inquest.

8333. Have you any doubt about it?—No.

8334. Were you present at the trial?—No, I was neither at the trial nor the inquest.

8335. Did you hear they were identified at the trial?—I did.

8336. As being with this party of Orangemen?—Yes.

8337. You have given us an account of this Orange force, pray who was at its head?—One party of Orangemen that came from Kilmeague, in the county of Kildare; a Protestant clergyman was at their head.

8338. It was not a crucifix I believe that he had?—He had a pistol.

8339. Were shots discharged by these fellows at night?—There were some shots fired during the election by the Orangemen.

8340. Did the Protestant clergy interfere at the election?—I believe they did as much as any of their party; I saw nothing very particular on their part, except what I have already mentioned.

8341. What was the result of the trial that you was speaking of?—The jury did not agree, and the men remain to be tried at the next assizes.

8342. Have they been tried since?—No, the assizes have not yet commenced.

8343. How many Protestant clergymen voted at the last election?—I think 42.

8344. Who did they vote for?—They all voted for Mr. Plunkett and Mr. Lambart, except one who voted for Mr. Henry Grattan and Mr. M. O'Connell.

8345. With regard to those shots that you said were fired at night, did you see them fired?—No.

8346. How do you know who fired them?—I was told they were fired by the Orangemen.

8347. Do you believe it?—I believe it.

8348. You saw the means of firing with them?—I did.

8349. Do you mean to say they were shots fired at people to wound them?—No, I do not mean to say that.

8350. Who told you that they were Orangemen who fired them?—I heard it from several persons.

8351. Give me the name of any body who told you?—I cannot.

8352. Did your informant, whoever he was, whose name you do not know, tell you who the man was that fired the shot?—No.

8353. Did he tell you at what hour it was fired?—At night.

8354. A dark night?—A dark night.

8355. Did he tell you where it was fired?—Three or four shots were fired at the bridge.

 8356. Did

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8356. Did he tell you he knew the men who fired them?—No, he did not.

8357. Did he tell you how he knew he was an Orangeman?—I really do not think he did.

8358. Was he an Orangeman himself?—He was not.

8359. Who was he?—I had it from so many that I cannot say who it was.

8360. Then how do you know he was not an Orangeman?—Had an Orangeman told it me, it would have been so remarkable a fact that I should have known him.

8361. Have you any mode of knowing an Orangeman?—No.

8362. Then these informants of yours, whose names you do not know, did not tell you what hour of the night it was?—No.

8363. They did not tell you at what hour the shots were fired?—I think the hour was from 10 to 12 o'clock.

8364. Did these informants tell you they knew the hour?—No.

8365. Did they inform you how they knew they were Orangemen?—No, they did not.

8366. Was it not notorious in the county?—Yes.

8367. It was notorious in the county, that the people who fired four shots at the bridge were Orangemen?—It was notorious in Trim.

8368. May be it is the fashion in Trim to lay any thing to the charge of Orangemen that no owner can be found for?—I do not think it is.

8369. You are not fond of the Orangemen in Trim?—No, certainly not, we never had many Orangemen until the last election.

8370. You saw these persons come in, did you, from the county of Kildare?—I saw them come into the town, and I was told they were from the county Kildare, some of them.

8371. Who told you they were from Kildare?—It was a Kildare man that told me.

8372. Who was he?—Mr. Pat Kenna; he was born in the county of Kildare, I think in the parish of Kilmeague.

8373. He told you that these persons were from Kildare?—Yes, some from Kilmeague and some from Donadea, in that county.

8374. Pray do you happen to know a gentleman whose name is Father Carolan?—I do, intimately.

8375. Pray do you know whether or not he acted as agent for Mr. O'Connell at the election?—I know at the election the agent of Mr. Plunkett applied to have him turned out of the booth.

8376. Do you know whether he acted as agent for Mr. O'Connell?—He did not act as agent, but we got him named as agent for the purpose of entitling him to stay in the booth, and he did not avail himself of that privilege, nor return to the booth after he had been turned out.

8377. Do you mean to say that he did not act at all for Mr. O'Connell at the election?—He was friendly to Mr. O'Connell, and canvassed for him.

8378. Did he take an active part in favour of Mr. O'Connell?—He did.

8379. Did he bring voters to the poll?—I think he did.

8380. Do you not know that he did?—I know he did, and it was in consequence of this that the agent on the other side applied to have him turned out.

8381. Who was the agent?—Mr. Goodman, an attorney.

8382. Mr. Goodman applied to have him turned out because he brought up electors to the poll?—I think so.

8383. What did Mr. Goodman state?—He stated he had no vote, and had no right to be in the booth, and applied to the deputy to have him turned out.

8384. Pray is it the duty of the agent to bring up voters to the poll?—Yes, it is the duty of the tally agent.

8385. What do you mean by saying this man did not act as agent, when you say he brought up voters to the poll?—The duty of the tally agent was always performed by the members of the club.

8386. Did any persons, except agents, bring up voters to the poll?—Yes.

8387. Was any question put to Mr. Carolan as to his right to remain in the booth?—I do not think there was.

8388. Was any question put to you?—There was.

8389. What question was there put to you?—When they threatened to turn him out, I said, "He has a right to be here;" then they said, "On what right?" I think I said, "He is a poll clerk," or something of that sort, for the purpose of having him remain, and the deputy would not allow him to remain, unless the candidate

candidate came in person to nominate him. I brought down Mr. M. O'Connell, and he nominated him, I think, poll clerk. Mr. Carolan never came into the booth afterwards, nor did he act, in consequence of the appointment made by Mr. O'Connell.

8390. Did any other Roman Catholic clergyman besides Mr. Carolan take an active part in bringing up voters to the poll?—Yes.

8391. Did many of them?—Six or seven, those were members of the club, and they always did.

8392. And used their influence as strongly as they could to bring up their voters?—They did.

8393. Pray are you aware that any persons besides the one that you mentioned addressed their congregations in the chapel?—I did not say that Mr. Carolan had addressed his congregation in the chapel.

8394. You mentioned one Roman Catholic priest who from his altar, as I collected from you, exerted his influence for a Tory?—I did.

8395. Did any other Roman Catholic priest exert his influence from the altar for either Whig or Tory?—I heard of three of them having done so.

8396. In your county?—In our county.

8397. Who were they that you heard of?—I heard of the Rev. Mr. Tuit and the Rev. Mr. Kennedy, and I think the Rev. Mr. Rickard.

8398. Is it the habit of the Roman Catholic clergy in general to exercise their spiritual influence over their flocks in that way?—It is strictly prohibited by the bishop.

8399. Is it a common thing for them to do it?—I have not known of them doing it, except in these instances; it is not a common thing in the county of Meath.

8400. Have you heard of it in other places?—I have.

8401. Frequently?—I have heard of it in other counties.

8402. In various other counties?—Yes.

8403. Do you call that influence spiritual or temporal?—If they spoke from the altar, I would say they mixed up something spiritual, but when the address is delivered out of the chapel, there is nothing spiritual.

8404. Are they in the habit of producing the crucifix to persons?—No.

8405. You never heard of that being done on the hustings?—I might have seen it in one of the Tory papers, but I have not heard of it in such a way as to believe it.

8406. You do not believe it?—I do not believe it; I think it would be highly improper.

8407. Are you aware that the influence of a Roman Catholic priest, speaking from the altar, is very persuasive indeed to the lower order of the Roman Catholics?—That is according to the side he takes, and the subject he addresses them upon; I think all the Catholic clergymen of the county of Meath could not have induced the voters to vote for Mr. Plunkett or Mr. Lambart.

8408. Can you state another instance, except that one of a Tory priest, where a Roman Catholic clergyman did exert his influence from the altar in vain?—I think I can.

8409. Mention it?—A priest in Nobber, in the county of Meath, who exerted himself against the popular candidate in favour of Mr. Bligh; we polled the tenants in spite of him, and their votes decided the election.

8410. Who was that priest?—The Rev. Mr. H. Alpin.

8411. When did it take place?—In 1831.

8412. Was that from the altar that he spoke?—Yes, I think he spoke from the altar.

8413. You are not sure?—I am not sure; I know he used his influence.

8414. Have you any case which you can mention in which you know the priest did exert his influence from the altar, in which he did it in vain?—I know of no case in our county, but what I have told you.

8415. In any county can you state any instance of a priest speaking from the altar to the people, and doing it in vain?—I have never interfered in any election in any other county.

8416. You have not heard of it?—Yes, I heard of a Mr. Duggan, in county Clare, who exerted his influence.

8417. From the altar?—I am not sure of that.

8418. That is my question?—I heard of Mr. Coffy, in the county of Waterford, having supported the unpopular candidates, and he has been obliged to leave his parish.

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8419. Was that in 1826?—I think it was.

8420. Do you mean to say you heard he had exerted his influence at the altar?—I cannot say that.

8421. Are you enabled to mention from your own knowledge, or from hearsay and belief, any individual case except this already specified, in which a Roman Catholic priest used his influence from the altar, and failed to produce the desired effect?—I think Mr. Coffy.

8422. You think that was an instance of the kind?—Yes.

8423. Do you believe if the priests in your county from the altar had advised the people to go against the popular candidates, that the people would have attended to them?—I think they would not, and I think if the priest whom I have already mentioned as having recommended the Tory candidate, if he had repeated that advice in the chapel, some of the congregation would have left the chapel to mark their disapprobation of his conduct.

8424. Have you ever heard an instance of any priest being forced to take part in an election against his will, on account of the strong feeling on the part of his congregation that he ought to do so?—I have heard that.

8425. None such instances occurred in your county?—No, I do not think there did.

8426. Did you perceive Protestant clergymen bring up any voters to the poll at that election?—I do not remember; I staid in one of the booths during the whole election.

8427. You stated you thought the Protestant clergymen had taken as much part as the Roman Catholics?—As any of their party, I said.

8428. You handed in some letters with a view to prove the influence of landlords, and that they had made use of certain threats; do you mean to state from those letters, that landlords generally endeavoured to influence their tenants to vote in a particular way?—Yes.

8429. Do you suppose those tenants expected the threats which were employed in those letters to be carried into effect?—In most instances I think they did.

8430. Did those tenants, notwithstanding those apprehensions, vote for the popular candidates?—Most of them.

8431. Do you mean the Committee to infer, that these tenants, with this fear of their landlords, and all the threats that were held out to them, went up to vote of their own free will for the popular candidates?—I do not mean to say that.

8432. What influence do you suppose counteracted or over-reached this influence of the landlords?—I think it was a good deal the influence of public opinion; they would have lost caste in the county by voting against the popular candidate.

8433. Do you think that the part the priests had taken helped to produce this effect?—I think not; I have told you there were but seven priests that took an active part out of the 35 in the county; there were only two of them that spoke publicly; of course the influence of the others could only be exercised in their own parishes.

8434. Am I then to understand, that though the priests attended the voters in many instances to the hustings, and though the voters voted in the face of threats from their landlords, that the priests had no influence in producing this effect?—Except the seven priests; I have already stated that seven priests only took an active part.

8435. What do you mean by losing caste in the county if they voted with their landlords?—There was always a very strong feeling in favour of the popular candidates, and those who voted against them were denounced as traitors, and in many instances persons of their own class would not associate with them after the election, and in many instances the young children would not associate with their children.

8436. Had not the candidates opposed to the gentlemen who were returned, entertained what were called Whig principles formerly?—Mr. Bligh entertained Whig principles formerly, at least his family did; we knew nothing of himself; he put forward in his address no public principles.

8437. You know Lord Darnley was a Whig nobleman?—Yes; but I know he supported the Orange candidates at the late election.

8438. To what then do you attribute the great run on the popular side in favour of the gentlemen that were returned in 1831?—At that election the repeal of the Union; it was then agitated a little, and had some effect; Mr. Bligh was asked for

some

some pledge on tithes, and he refused; he was unpopular, the majority of his supporters being Tories.

8439. You said you were a member of the Liberal Club in that county?—Yes.

8440. Is that established for electioneering purposes?—Yes.

8441. For the purpose of securing the return of what you call popular candidates?—Certainly.

8442. Of how many persons does that consist?—There are 116 members at present.

8443. Are you a subscriber?—Yes.

8444. What is the subscription?—The subscription is 1 *l.* annually for 50 *l.* freeholders and non-electors, and 10 *s.* annually for all other electors.

8445. Are those gentlemen who compose this Liberal Club scattered throughout the county?—They are.

8446. This club exercises a very pervading influence through the county?—Yes.

8447. I believe they exert themselves very strenuously?—Very much so.

8448. You are quite in earnest in your business?—Yes.

8449. And you exert yourselves with very considerable effect?—We have succeeded ever since 1831.

8450. I think you said some Roman Catholic priests were members of that club?—Seven.

8451. Are there similar clubs in other counties?—Yes, there are; one in Monaghan, one in Louth; and they are about establishing one in Cork, for they applied to me for a copy of our regulations.

8452. Have you got a copy of those regulations?—Yes.

[*The following was then put in:*]

RULES and REGULATIONS of the MEATH INDEPENDENT CLUB.

The object of the club shall be to secure the free and uncontrollable exercise of the elective franchise, and to procure an effective registry of electors, and take such other means as may be calculated to secure the independence of Meath.

There shall be four general meetings of the club, viz. in the months of January, April, July and October in each year; such meetings shall be held successively in each of the sessions towns in the county; the days of meeting to be fixed by the committee. The members shall dine together at each quarterly meeting; the secretary shall call a special meeting of the club at any time on the requisition in writing of five members of the club. The business of the club shall be conducted by a president, three vice-presidents, a treasurer, a secretary, and a committee of 21, all to be chosen from amongst the members of the club; seven members of the committee shall form a quorum. The treasurer, secretary, and committee of 21, shall be elected for the period of one year at the October meeting of the club; any vacancy to be filled up at the next meeting of the club for the remaining part of the year.

The president and vice-presidents shall be elected for the period of one quarter of a year at each quarterly meeting; any vacancy in the office of president to be filled by the senior vice-president for the remaining period of the quarter. Meetings of the committee shall be held at such periods and at such places as may be deemed expedient. The secretary shall call a meeting of the committee on the requisition of the president, or of two vice-presidents, or of five members of the committee; such requisition to be in writing; the secretary shall give eight days' notice of such meeting to each member of the committee.

The president, vice-presidents, treasurer and secretary shall be *ex-officio* members of the committee.

All elections shall be by ballot, or marking lists.

The annual subscription of each member of the club shall be 1 *l.* annually, with the exception of 10 *l.* and 20 *l.* freeholders, and leaseholders, who shall pay only 10 *s.* annually; each member shall pay his subscription in advance. No member in arrear shall be allowed to vote at a meeting of the club, or to be a member of the committee.

The admission of members shall be by ballot at a general or special meeting of the club. No person shall be admitted a member of the club, unless by the votes of three-fourths of the members present. Each member of the club shall, upon his admission, sign an engagement to observe the rules and regulations of the club.

Any member guilty of political tergiversation, or of gross misconduct at any meeting of the club, shall be expelled.

No member shall be expelled unless at a general or special meeting of the club, and by the votes of three-fourths of the members present at such meeting.

No member who shall have been expelled shall be re-admitted, unless by the unanimous votes of the members present, at a general or a special meeting.

The president, or, in his absence, the senior vice-president, shall take the chair at all meetings of the club and of the committee; in the absence of the president and vice-president, the meeting shall select a chairman from amongst the members.

The dinners of the club shall be superintended by eight stewards appointed by the committee.

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No visitor shall be admitted unless by permission of the committee, and recommended by two members of the club.

No wine shall be drunk at any meeting of the club.

Whenever a vacancy shall occur in the representation of the county of Meath, the secretary of the club shall call a meeting of the members, giving one week's notice, at the least, in two morning and two evening newspapers; and at such meeting the freeholders and leaseholders of the club, who shall have been admitted, at least, six months preceding, and qualified to vote at such election, shall ballot for a fit person or persons to represent the county, and the majority of votes on such ballot shall bind the minority.

Every person, on becoming a member of the club, shall pledge himself to support the spirit of the foregoing resolution, and to abide by it.

8453. Is it usual in other parts for the Roman Catholic clergymen to be members of these liberal clubs?—It is. I know Roman Catholic clergymen are members o the Monaghan Club.

8454. Is it a club for electioneering purposes?—Yes.

8455. Did you ever hear of a Protestant clergyman being a member of a club for electioneering purposes?—I believe Protestant clergymen were members of the Protestant Conservative Society, which is a club for electioneering purposes.

8456. Do you believe there is a Conservative Club in the county of Meath?—No. Most of the Protestant gentlemen of the county of Meath were members of the Conservative Society of Ireland in Dublin.

8457. Is there a Conservative Society established in those other counties you mentioned, having liberal clubs for electioneering purposes?—I am not aware of one, except the Orange Societies may supply their place.

8458. Do you mean to say the Orange Society is an electioneering society?—No, but I think they may attend to elections.

8459. Do not they apply their force to electioneering purposes?—Yes.

8460. Did you not state that a body of 200 Orangemen came into the town of Trim, armed, during the election?—I did.

8461. Did you ever hear it said that they came in to protect those who wished to vote that agreed with them in opinion?—The friends of the Tory candidates told me so.

8462. Have you ever heard it said the Orangemen came for the purpose of protection and not of aggression?—I heard it said by the friends of Mr. Plunkett.

8463. Did you ever hear of any instance where, from carrying those arms, evil consequences ensued, except the one case to which you have alluded, in which the jury did not agree?—I did not.

8464. Did you not hear at the time of immense assemblies, to the amount of some thousands of other persons, called Ribbonmen, traversing the country?—I did not.

8465. How long has this Liberal Club in Meath existed?—Since 1830.

8466. Was it the first in Ireland?—It was not, the Louth Club was the first established in Ireland.

8467. What time in 1830; do you recollect what month?—I think it was the month of July 1830, the Meath Club was established.

8468. When was the Louth Club established?—The Louth Club was established before the passing of the Emancipation Bill in 1827 or 1828.

8469. In what way does this Liberal Club exert itself?—It derives great influence from the votes of its own members and their connexions.

8470. Do you hold public meetings in different parts of the county?—We do.

8471. Do you make speeches?—We do.

8472. Do you agitate?—No, unless where the landlord exerts his influence; and the agitation since the establishment of the club has been confined almost exclusively to the baronies of Lune and Morgallion, since Lord Gormanstown gave up interfering with his tenants, which he did very honourably in 1831. There has never been any agitation in the barony of Morgallion. I received several applications from voters there at the last election to have a public meeting, and we did not hold any public meetings there.

8473. Is Lord Gormanstown a Roman Catholic?—He is.

8474. Did he support the Tory candidates?—No, never, he would not do such a thing.

8475. Allow me to ask—I do not mean it in any offensive sense—have you taken any part at these meetings in addressing the people?—I have.

8476. Have you been present when this repeal of the Union was made a topic?—I think I was. It was not much a topic in 1831, it was not much agitated in 1832.

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1832. We carried the county without a contest then. At the last election, the repeal of the Union was never mentioned; it was a question between the Orange candidates and the Anti-Tory candidates.

8477. When was it the repeal of the Union was made a topic of agitation there?—In 1831.

8478. Who advocated it?—Mr. Henry Grattan, although he gave no pledge to that effect then.

8479. Was that the time you alluded to in your direct examination, when you spoke of the repeal of the Union as having had influence?—It was.

8480. Did you advocate it?—I advocated it in 1832. I never mentioned repeal in 1831, and the club as a body was not pledged to repeal in 1831.

8481. In 1832 you did?—Yes, in 1832 the club was pledged to repeal.

8482. Were the priests members at that time?—Yes.

8483. And was it the unanimous opinion of the club?—Yes.

8484. Is it still the opinion of the club?—It has not been mooted in the club lately. My own impression is, if the Government continue as they are going on, the question will not be again mooted.

8485. What do you mean by continuing as they are going on?—I mean by following the present system of Government, and giving, as I hope they will, good laws for Ireland, giving a good Tithe Bill, giving us a good Registry Bill, and by discouraging the Orange party in Ireland; if the Government follows this course, I think the repeal of the Union will not be agitated again.

8486. By giving you a good Tithe Bill, I suppose you mean cutting down the Established Church?—Yes.

8487. Can you tell me how the sons of Lord Fingal, Lord Trimlestown and Lord Gormanstown voted at the last election?—They did not vote at all; but I am confident that if they had voted, they would have voted for Mr. M. O'Connell and Mr. Grattan.

8488. Do you know why they did not vote?—I think they adhered to the principle of having gentlemen in the county to represent it, and not strangers.

8489. Have you heard that there was a letter from Lord Killeen, saying he would come down, if necessary, to support the two popular candidates?—I have.

8490. Why do you suppose it was Lord Killeen himself was turned out of the county?—On the question of repeal.

8491. You have stated that it was mentioned by the friends of Mr. Plunkett that the reason of the Orangemen taking an active part at that election was to protect the voters and allow them to vote as they liked. I want to know was there not a fully sufficient military and police force for that purpose?—Fully sufficient, and I do not believe the Orangemen were brought there for the purpose of protection.

8492. Do you know what the force was of military and police?—No; but they could have had any force that they applied to the high sheriff for.

8493. You stated that you did not know of several thousands of Ribbonmen being united for the purpose of intimidation?—I did state so.

8494. Do you not know that crowds of men came in by four at a time daily, in order to produce an effect at the elections, who themselves were not voters?—A great crowd always comes in at the election.

8495. A large body?—A large body.

8496. And persons differing in opinion from the Orangemen?—Yes.

8497. Were those bodies armed?—No.

8498. Do you believe they were armed?—No, they were not.

8499. When you state these people who came in differed from the Orangemen, do you mean to imply by that that they were an association of Ribbonmen, or that they merely differed from them in disapproving of the political principles of the Orangemen?—There might have been Ribbonmen amongst them, but I do not think there was an association of Ribbonmen.

8500. Now the majority of the freeholders in the county of Meath, if they were left to themselves, free from all influence, would they or would they not have been disposed to support the popular candidates?—I am confident they would.

8501. Do you know that the political opinions of the majority of the voters of the county of Meath coincided with the political principles of the popular candidates?—Certainly of the great majority.

8502. Do you believe that if the voters had been protected in any way against the intimidations which you have described in some instances as exercised by the landlords,

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landlords, that the majority in favour of the candidates that were returned at the last election would have been greater?—I think it would.

8503. Is any of the same sort of influence exercised by persons who are members of the Liberal Club over their tenants?—No, none.

8504. Do you know any instance of tenants who hold land under members of the Liberal Club voting against their landlords?—I have a tenant myself that holds of me.

8505. For whom did he vote?—Mr. Plunkett.

8506. Have you given him notice to quit?—I could not, he has a lease; and I would not, even if he had not. He is a baker, and I have continued to deal with him ever since.

8507. Was the conduct of the people peaceable at the last election?—Very peaceable.

8508. Did they clear out of the town by five o'clock?—Generally.

Jovis, 16° *die Julii*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

I. V. Wart, Esq. and *A. Goddard*, Esq.

16 July 1835.

Henry Van Wart, Esq., and *Samuel Aspinwall Goddard*, Esq., called in; and Examined.

8509. *To Mr. Van Wart.*]—YOU are resident in Birmingham?—I am.

8510. *To Mr. Goddard.*]—You are also?—I am.

8511. You are by birth citizens of the United States?—(*Mr. Van Wart.*)—We are.

8512. Have you turned your attention to the system of taking votes at the elections in England, as compared with that practised in the United States?—I have.

8513. When you were resident in the United States, where were you resident?—At New York.——(*Mr. Goddard.*)—I was resident at Boston.

8514. Have the goodness to explain the mode in which votes are taken at the elections in New York?—(*Mr. Van Wart.*)—There was a poll held in each of the wards at the time I left New York; there were but eight or nine wards; a poll was opened in each ward.

8515. For what species of officer?—For every description of officer, both municipal officers and members of Congress, for the government and for the two Houses of Assembly of the States; and the inspectors were appointed at the time, I think, by the corporation of the city of New York; it was the custom, and I believe still continues to be the custom, for the dominant party in the corporation to appoint two of their own party and one of the opposing party as inspectors; there is a box for each description of officers to be chosen.

8516. You are now describing the elections of senators and members of the House of Assembly?—Yes; they are all conducted on precisely the same principle.

8517. At the same time?—Not always.

8518. Will you, in the first instance, describe an election for a senator?—A box is placed upon the table in front of the inspectors in each ward; the names of the candidate or candidates are printed on a paper, which must be delivered folded up in such a way that it is impossible for any person present, even the inspectors, to know the contents of that paper, and for a senator it is printed on the outside of the ticket when folded up; those who choose to write the ticket may do so, but tickets are always prepared.

8519. By whom are the tickets prepared?—By the committees of the different candidates, and are delivered to the voters, who come up on the day of the poll and deliver their tickets to one of the inspectors, who drops it into the box.

8520. They are delivered folded?—Yes.

8521. Who delivers those to the voters?—They are provided by the committees.

8522. Are they all upon the same coloured paper?—Not always; sometimes they are on coloured paper, at other times white.

8523. In the event of their being on coloured paper, a voter putting, for instance, a red paper into the hands of the scrutineer, would be known to vote for a candidate

a candidate whose committee had fixed upon that coloured paper for their tickets?—Not precisely, because the opposing committee, finding a trick of that sort being practised, would immediately issue tickets of a similar colour, and probably there might be three or four colours.

8524. How long does the election last?—The polls are open three days.

8525. Supposing the red tickets to be delivered in the morning, would it be possible for the opposing committee to get all their tickets re-printed and re-delivered?—It could be done in an hour, probably less; besides many persons choose to write their own tickets.

8526. When a voter comes up to the poll, does he pass through any crowd of persons?—Frequently.

8527. Are the candidates and partisans standing in the neighbourhood of the polling place?—The candidates never interfere directly; their agents do, i. e. their canvassing committees.

8528. There are members of their committees standing in the neighbourhood of the polling place?—Each party are in the habit of allowing one person well acquainted with the persons residing in the ward to sit as a challenger at the table in the same room with the inspectors, if they have any reason to doubt the person's being fully qualified to vote; and any other voter may challenge the party.

8529. The inspector sits, as it were, in public?—Yes; and he sits as a judge.

8530. Is he sworn?—He is sworn to act impartially, and to report faithfully the result of the votes. I am told that now elections are sometimes over in a day; formerly, when they lasted more than one day, the boxes were sealed at the close of the day, and each of the inspectors put his seal upon it.

8531. Before a voter arrives at the place where he may be challenged, or where he deposits his folded paper in the hands of the returning officer, has he any opportunity of displaying the contents of the folded paper to any persons previously to his delivering it to the inspector?—He has; there are a number of persons attending the poll generally, some of whom are waiting to vote, to take their turn, or others may be there by mere curiosity.

8532. In the same room with the inspectors?—Mostly in front of the house; some in the room with the inspectors.

8533. There are persons in the room with the inspectors?—Yes, the challengers are; and I know there are a number of voters in the room waiting to come up to the table.

8534. Supposing a voter was anxious to show to another voter which way he voted, might he, while he was going up to the table of the inspector in the same room, open his list, show it to his friend, then fold it up and take it in that state to the inspector?—Certainly he could.

8535. Is that ever practised?—I really cannot say that it has been practised, but I think it highly probable.

8536. You have seen something of elections in England?—I have.

8537. You are aware of the species of influence which is exercised over voters in our electioneering contests?—I am.

8538. Are you of opinion that a landlord exercising the species of influence which landlords are known to exercise in England, or a master exercising his influence over his workmen, in the way they are known to exercise it, might in that way have an opportunity of knowing how his workmen or tenant voted, by requiring him before he went to the poll to display his ticket in that manner?—He certainly might require a disclosure of that kind, but it would rest with the voter whether he chose to gratify his master or his landlord.

8539. If the voter refused to gratify his master or landlord in that very simple mode of proving the way in which he voted, would not the landlord or master be very likely to take the same steps against him which he would in the event of his voting and telling him he voted directly contrary to his wish?—I think not to the same extent, for he would still be left in doubt which way the person had voted, a person might defend himself by saying, I do not think it right to let any one know which way I shall vote.

8540. There are no further physical impediments in the New York mode of voting to the disclosure of the vote than those which you have described?—No, it is impossible for any one to know which way a man votes, unless he chooses to tell it.

8541. There is no mechanical contrivance attempted in order to prevent a voter affording that information, if he is willing to do so?—No, I think not.

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8542. *To Mr. Goddard.*]—Is that the case at Boston?—Voters are compelled there to put their paper in doubled very closely, and whether there is any thing to prevent their showing the vote to a landlord or to any one else before delivering it into the box I know not, but I know such a request would be deemed such an outrage upon the rights of voters that a man would be scouted, he would not be allowed to remain in the hall of voting, if it should be known to any dozen persons present.

8543. *To Mr. Van Wart.*]—Does the same feeling exist in New York?—Precisely; I never heard of its being done.

8544. You can imagine such a request being made in the state of society in which we live here?—Yes, certainly.

8545. When a voter comes up to the table, what precautions are taken in order to ascertain his identity, or his right to vote?—If the person is not well known, they put questions to him.

8546. Does he give his name?—Yes; and if he is not known to have the proper qualification, it is necessary he should show his right.

8547. Is there any registration?—No, not in New York.

8548. *To Mr. Goddard.*]—Is there any registration in Boston?—Yes, lists of the names of voters are made out beforehand.

8549. Then the man's name is marked off against this list as he delivers his vote?—Yes.

8550. Would it be possible for any voters to put more than one ticket into the box?—(*Mr. Van Wart.*)—No, it would not.

8551. *To Mr. Goddard.*]—Does he first deliver it into the hands of the inspector?—No, he delivers it into the proper box.——(*Mr. Goddard.*)—It has occurred in Boston, that two votes or more have been doubled up in one fold and put into the ballot box; but whenever that happens, one is allowed and the others are destroyed.

8552. It does not void the whole vote?—No; if two papers are found folded together, one is destroyed, and the other is allowed, so that the impossibility of passing two votes renders such an occurrence very rare, not probably once a year.

8553. Supposing two votes for two different candidates were folded together?—They would neutralize each other; they would, therefore, probably be counted, or both thrown away—both thrown away, most probably.——(*Mr. Van Wart.*)—They could not both be counted, for a person can have but one vote.

8554. How are the votes counted up at last?—The election being closed, the inspectors and their clerks open the boxes in a room to which they retire; they count the votes immediately, and declare the numbers for each candidate.

8555. Do they do so in the presence of any persons appointed by the candidates?—No, the candidates cannot be present, nor their agents.

8556. Nor any elector?—No.

8557. There is, therefore, no check over the inspectors?—None whatever.

8558. *To Mr. Goddard.*]—Is that the same at Boston?—I believe, in Boston, the votes are received by the "select men" of the town; they were at the time I left; it was not incorporated then; since, it has become incorporated. There were select men of the town appointed once a year, perhaps twenty-four, and they attended to the counting of the votes, and returned the members, when they were members for town offices; if they were members for the county or district, they returned the votes sealed to the Secretary of State, or to the proper person appointed to receive them, to make a report; but in an election for the town, or where it merely affected the town, they were the competent persons to make a return, they counted the votes, and made the return at once.

8559. Is there a variation in the colour of tickets in Boston?—In Boston, and in the whole state of Massachusetts, the votes were written; it was necessary by law to have them written, and I never saw them on any other than common writing paper, they were prepared by the parties voting, or any persons volunteering; it was generally the custom in Boston to appoint committees to write out votes. Boston at that time sent forty-five members to the General Court, and as each of those votes was written, there was a good deal of writing to be done; those votes were prepared and distributed to persons who came to vote, if they pleased to take them, if not, they used such as they had provided themselves.

8560. With the exception of the one being written and the other printed, they come into the hands of the voter in the same way, through the committees of the candidates?

candidates?—Not precisely so; the committees of the candidates are merely persons who form themselves into associations for the return of a particular person or persons, they are not at all connected with the candidates. The voting in Boston took place, at the time I am speaking of, in one hall. The city was divided into twelve wards, and the select men sat at different places in the hall with boxes, say one box for each ward, and two select men to each, with the lists of voters before them, which had been prepared, and as the voters presented themselves they were marked off, and they dropped their votes into the ballot boxes. I have seen in Boston 6,000 votes delivered in in three hours, between ten o'clock and one o'clock in the day, and the return made in an hour afterwards, without any disturbance or quarrelling.

8561. The voters coming in at one door and going out at another?—The voters coming in at several doors and going out at the same, and the town has been just as quiet in half an hour afterwards as it had been at any time previous to the election.

8562. *To Mr. Van Wart.*]—Have you ever known any thing like an attempt on the part of a large body of persons to ascertain the votes of the persons as they were going up to the poll, and to offer any thing like insult to persons on particular sides of the question?—I should think, in New York, that the sentiments of upwards of 90 voters, I was going to say 99 out of every 100, are perfectly well known before they go up to poll; each party have their ward committees, and there is a regular system of canvassing carried on for weeks and weeks before the election, and they can count, almost to a man, how the election is to go, generally, before it takes place. There is no motive for a man's concealing his vote; he is not afraid of any undue influence being attempted; his neighbours will try to prevail upon him to vote, each of them in their way.

8563. When you say that the votes of 90 out of 100 are known before, you mean that the votes are presumed from the sentiments and conversations of the men being known before?—Precisely; the voters generally declare openly what they mean to do.

8564. And it is presumed that he will act in conformity to that declaration?—Yes.

8565. If the man had any motive to act contrary to that declaration when he came up to vote, the mode of voting would give him an opportunity of doing so?—Certainly; and I have known occasionally, in New York, there have been some obstructions offered to persons going up to poll There is an immense number of Irishmen in New York, who are nearly all on one side, and very warmly so, and sometimes are rather violent; there was, however, a slight division among them two years ago on the bank contest.

8566. In what manner do those Irishmen obstruct the polling?—By surrounding the polls and preventing persons coming up.

8567. Preventing persons whom they believe to be opposed to them?— Yes.

8568. Are they generally of the lower class?—Yes, there are none others; the respectable Irishmen of the city never act in that way; the lower orders are under their influence very much.

8569. Do they interfere?—Not the leading Irishmen in this violent manner.

8570. Did you ever hear of those Irishmen adopting any thing like a system of exclusive dealing, or threatening to adopt any thing like a system of exclusive dealing, towards the tradesmen or publicans who supply them?—No, never.

8571. What those Irishmen do, is to endeavour to prevent the voters whom they believe to be likely to vote against them from getting up to the polling place?—Yes, exactly so.

8572. When did you leave New York?—1806, for this country. Visited America in 1807, and again two years ago.

8573. In speaking of the system which prevailed when you were resident in America, are you aware of any change which has taken place?—No; I believe the practice continues the same, that there is no material change. The vote is by ballot, and they are taken precisely in the same way as they were at that time.

8574. Is the obstruction you have adverted to as occasionally taking place offered principally towards individuals who have taken a leading part in the elections, and therefore have become known to the populace?—Yes; to any persons who they believe will vote against their party, and it is very generally known how a person will vote.

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8575. Prior to the time?—Yes; they are informed by their leaders, for they are all pretty well drilled.

8576. *To Mr. Goddard.*]—Does the same observation, with regard to obstruction, apply to elections at Boston?—I never saw any obstructions offered. The most I ever saw was a collection round the doors of the hall where the voting was carried on, consisting principally of distributors of votes who were eager to give votes to persons who came up. When a very old gentleman or infirm person came, who had made an effort to get to the poll, his party cheered him on, or something of that kind. I never saw any quarrelling or any obstruction. I should say, if I was upon my oath, I do not think there is a voter in Boston, out of the 6,000 voters in the course of a twelvemonth, prevented from voting by obstructions at the polls.

8577. As you state voters are occasionally applauded when they go up to the hustings, the same correct anticipations of the mode in which they are likely to vote prevailing among the crowd at Boston as have been described to prevail at New York?—The people are generally politicians, and their sentiments are generally known, yet their mode of voting is as secret as their thoughts. I never knew any mode by which it could be discovered how a man had voted, or would vote, except through the medium of his own declarations; then you rest upon his own authority. It is as secret as his thoughts.

8578. May he not, before he goes up to the returning officer, display his vote to some other person, and then give it, not folding it, until he delivers it into the hands of the returning officer, so that the person may have an opportunity of knowing how he has voted?—At Boston they deliver in their votes folded. They are compelled to deliver in their votes folded, and they deliver them into the box themselves. They do not pass through the hands of any inspectors. There is no rule that I ever heard of, which would prevent a man showing his vote to every person on his way from his home to the poll, and then doubling it, and putting it into the ballot box.

8579. When you say there is no possibility, under your mode of voting, for a man to disclose how he has voted, you of course exclude from that the determination of the voter to show how he has voted?—Certainly he can in that way probably show how he is voting by holding the vote open before every one, and then folding it, and dropping it into the box; and if parties would come up, when he held it up, they might inspect it, and see for whom he voted.

8580. Supposing any person to have sufficient interest in your vote, and you to be in a situation of life in which you would be anxious to give to that person a certain assurance of having voted in the way he wished, the mode of voting at Boston would give you an opportunity of so convincing him you had voted according to his wishes?—I imagine I would convince him how I was going to vote; but the request to know how I was going to vote, as I said before, would be looked on as an outrage, and the voter would be considered to have demeaned himself by showing his vote to any one.

8581. You state that voters are applauded in going up to the poll, do you believe that is from showing their votes, or from anticipation how they are going to vote from the knowledge of the individual?—Rather from his having made an effort to come from age or infirmity, and put himself to some trouble and inconvenience, and they applaud the act, that is, those who thought he would vote as they wished.

8582. Are the elections at Boston annual?—The elections for all officers of state, and also for the town officers are annual.——(*Mr. Van Wart.*)—I apprehend the ticket would not be received unless it was folded up.

8583. But there would be no legal objection to the ticket remaining open up to the last moment, and then being folded?—There would not.

8584. According to the only mode in which the generality of voters deliver in their votes, a man would have no means of convincing any body that he had voted contrary to his political sentiments, even if he had done so.——(*Mr. Goddard.*)—Certainly not; the votes are taken up, doubled and dropped in; but supposing a very extreme case, that a voter would go up before the select men, and before his townsmen generally, and exhibit his vote to show his subserviency to any one, and drop it in, I know of nothing to prevent it; but should he exhibit it at a distance from the poll, he would have an opportunity of changing it after he had shown it, without the person under whose influence he was being aware of it; in theory it might be done, but I think in practice it is impossible.

8585. Does

8585. Does that impossibility arise from the state of public feeling in Boston?—Yes, and throughout all New England at least.

8586. Have you been present at English elections?—Yes, I have been present at elections in Birmingham; I have been present at very few elections.

8587 Have you ever been present at county elections in England?—No, I have seen a good deal of the way of managing them, but I have never attended the poll.——(*Mr. Van Wart.*)—I have.

8588. Do you think there is any thing impossible in England, supposing the votes were given in the same way, in persons interested in the votes of their dependants standing at the poll, and requiring it should be disclosed?—It is possible, it might be done certainly, they might insist upon their tenants, and other persons under their influence, showing their tickets.

8589. Supposing the voter, before he came into the room where the inspectors sit, and in which room no person should be allowed to be present except recognized and sworn agents, do you think that that display of a man's vote, which you have both admitted to be physically possible in the American system of voting, would be entirely prevented by compelling the voter to pass through an empty room or passage before he came into the room where he was to deliver his vote?—Certainly, I conceive that would correct the evil effectually; there is nothing to prevent his having half a dozen tickets in his pocket, though he might display only one to the person under whose influence he was acting.——(*Mr. Goddard.*)—It would be very easy to make a regulation to pass the person through an empty room, and also that no vote should be received by the inspectors that was exhibited to them by the voter.

8590. How long have you been absent from the United States?—It is five years since I was there; I am in constant communication, I have been in England 15 or 18 years altogether; I have been there several times since I first left.

8591. At what age did you leave the United States?—Twenty-one.

8592. *To Mr. Van Wart.*]—Is there much canvassing of individual voters previous to the election by members?—None whatever; it would be considered disgraceful if any candidate was to ask a person to vote for him.

8593. *To Mr. Goddard.*]—Would it be the same at Boston?—Yes.

8594. *To Mr. Van Wart.*]—Is there any canvassing of individual voters?—Yes, a great deal by ward committees; there is a committee of each party established in each ward of the city, and the committee is pretty extensive, and their duties are divided over the different parts of the ward, and every individual is thoroughly canvassed before the election; and, as I observed before, it is known to a very near point how the election of that particular ward will go.

8595. Is a promise obtained?—Yes, generally; I presume the only mode of ascertaining how a man will vote, will be to ask him whether he intends to vote for A., B. or C.

8596. Is the question put to him in the nature of a declaration of intention, or in the nature of a promise or pledge?—No, not an engagement, though it is considered tantamount to an engagement; it is tantamount to a declaration how a man means to vote.

8597. Have you been on canvassing parties?—I have.

8598. Is it usual for canvassing parties to rest satisfied if they hear a strong declaration of a man's opinion, or do they insist upon a promise?—No, they do not insist upon a promise, but they are in a measure satisfied with the declaration that he will support certain persons, and the persons who obtain this declaration report it to the committee, who keep a regular register of all the persons in the ward, but they see him again and again; it is a business which is attended to every day, frequently for several weeks before the election comes on.

8599. Did you ever know an instance in other countries of canvassing a tradesman by telling him, if you do not vote for such and such a person, I will take away my custom, or Mr. So-and-so will take away his custom from you?—Certainly, I have in this country.

8600. Would such a proposition to a tradesman be regarded as an affront in New York?—Yes, a very strong one, and the person would be held out to public odium; I never heard of such a case.

8601. If any person were to threaten such a thing, it would be likely, perhaps, to do injury to the cause he intended to serve by such a threat?—A very great injury.

8602. *To Mr. Goddard.*]—Does the same feeling prevail in Boston?—It does; I do

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I do not think, however, there is much individual canvassing; it is done through the medium of the press and addresses at public meetings; persons are not individually waited on ever by the candidates, and I think not by committees.

8603. Have you ever formed a member of a canvassing party?—No, not in America.

8604. Have you in England?—Yes.

8605. Do you think the same mode of canvassing prevails in England as to the non-exaction of promises and the mode in which voters are solicited, or do they make a difference?—There is a very wide difference.

8606. Will you describe the difference, as far as it occurs to you?—I think both the influence of the member and the influence of the canvassers are used in calling on the voters in England; the little canvassing I have done I believe has been rather upon a different principle from that generally pursued; I have endeavoured, so far as I could, to state the qualifications of the candidate I have supported; I have then recommended the person to adopt his own opinion; but I have every reason to believe that influence is used to a very considerable extent and sometimes threats; I have not heard threats used personally, certainly.

8607. Did you, in your canvass in England, endeavour to convey to a man the impression that it would be worse for him in his trade or business if he did not vote for the man whom you recommended?—Never.

8608. Do you believe it is constantly the practice in England for persons to take with them, when they are going to canvass a particular voter, one, two or three persons who may be supposed to have considerable influence over him, in order that the voter may be canvassed in their presence?—Certainly, I believe that is customary. I would beg here to say that I was solicited to canvass not long ago in Staffordshire, but had not time to attend to it; I was warned, however, by a placard afterwards not to use influence which I had been using to deter persons from voting; I am in the habit of purchasing extensively the manufactures of the neighbourhood, and I was called upon not to use the influence I had been using to induce persons to vote for a particular candidate.

8609. By whom was the placard to which you alluded, warning you not to use your influence as it was supposed you had done, issued?—I do not know; it was printed by the printer of the opposition committee.

8610. You mean by the committee of Sir Henry Goodricke?—Yes.

8611. Have you got the placard?—I have not; I answered it in a newspaper.

8612. Did you ever hear of a man in America being the worse in respect of his trade or business, or property, for the vote he had given at an election?—I never heard of such a thing, not even by inference, I never heard such a thing alluded to.

8613. Have you ever heard such a thing in England as a man being the worse in respect of his trade or business, or property, for the vote he had given at an election?—Yes, I have.

8614. Do you believe that to be not of unfrequent occurrence?—I believe it is very frequent; I do not think it very frequent for voters in dependent situations to vote contrary to the influence used with them; but in proportion to those cases, I believe it is very frequent.

8615. You believe the reason why voters in England do not more frequently become worse off in their property in various ways by their voting, is because they give votes in obedience to the influence used over them, and contrary to their own feelings?—Yes, in obedience to the influence used.

8616. *To Mr. Van Wart.*]—Have you ever heard of injury to tradesmen at New York in consequence of their votes?—I do not know of my own knowledge a case of that kind, but I heard the other day, from a gentleman with whom I had been conversing, of a solitary case of that kind; a correspondent of my house having attempted to induce him to turn off a carter, a person who carted his goods from the ships up to his warehouse, and that he had been round to several neighbours, who had like himself discharged this man in consequence of his having given a Jackson vote.

8617. You have not been in New York for several years?—I was there eighteen months to two years ago; I had been there for nine months.

8618. Was the carter discharged in consequence of his vote?—Yes, by two or three persons, I was told.

8619. Was it not notorious, that after that election you refer to, there was extensive injury done to tradesmen?—No, it was not, to my knowledge.

8620. How

8620. How was it found out how the carter voted?—Because he declared openly that he would vote so; he was too independent to attempt to conceal it.

8621. Do you know whether any previous threat, or intimidation in the nature of a threat, was held out to the carter?—Yes, it was; for the employers, as I was told, threatened to discharge him beforehand.

8622. Did they discharge him before or after the election?—I believe after the election.

8623. If the carter had promised to vote in one way and had voted in another, could it have been discovered?—Not at all.

8624. And the carter would have been safe by telling an untruth?—Perfectly.

8625. Are there preliminary meetings at New York before the actual election?—Yes, many ward meetings, and sometimes general meetings of the ward committees, where there is a great deal of speaking.

8626. A sort of sham poll, is there not?—No.

8627. Is not there a mode taken for ascertaining how persons will vote?—The different committees report to the general committee the state of each of their particular districts, so that they know pretty nearly how the election will go.

8628. What is done at the ward meetings?—They meet for the purpose of canvassing and comparing notes, and preparing their reports to be made to the general committee.

8629. Are those meetings attended by large numbers, the meetings of the ward committees?—The general meetings are very large, frequently as many as they can find room for, and frequently there are great crowds out of doors that cannot get in.

8630. Do they in fact resemble the previous meetings which are held in England to nominate the committees of the candidates on both sides?—Yes, with the exception that candidates never appear at those meetings, they never address the assembly at all.

8631. Are not there means taken at those meetings to obtain lists how persons will vote by their subscribing their names?—No, not the persons who attend the meetings; the principal persons who meet at those meetings are the ward committees, who are possessed of a pretty accurate knowledge of the state of their particular district, and of course report to the general committee.

8632. Are those large meetings held for the purpose of getting a pretty certain guess how an election will turn?—They are held more for the purpose of urging their parties on; it is not like the town's meeting, they invite only their particular party.

8633. Do not the ward committees take down the names of all who attend at that particular meeting?—No, I think not; it may be done, but I am not aware that it is.

8634. Is that meeting what is called a caucus?—No; that is not exactly a caucus; the term caucus applies to a more select, to a smaller number of persons.

8635. A sort of presiding committee, is it not?—A sort of committee of the leading men of the party.

8636. Does it in fact resemble what would be called here an election committee?—Very much.

8637. With the exception that the candidate is not present?—Yes.

8638. You mentioned a certain number of Irishmen who distributed the poll; had those Irishmen votes themselves?—Yes; in New York it is almost universal suffrage, any man who pays taxes is entitled to vote.

8639. Is there any authority exercised over them by the persons in whose employ they are as labourers?—I am not aware that there is, it is very possible it may be so, but they are a sort of distinct class, they hang together very closely, and they are greatly under the influence of perhaps twenty or thirty respectable men who can carry them pretty much as they please.

8640. Is the influence which the twenty or thirty respectable men exercise over the larger body of Irishmen founded on their being able to affect the circumstances and condition of those Irishmen for the better or the worse, or is it founded on the belief of their being wise and able men—a moral influence?—The influence of national feeling more than any thing else.

8641. The influence exercised by one independent man over another independent man?—Yes.

8642. Are those twenty or thirty respectable persons whom you mention the employers of those Irishmen?—Some of them; there is hardly a brick or a hod of mortar carried in New York but by Irishmen; they do most of the labouring work of that kind.

 8643. When

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8643. When you say that they are influenced by national feeling, do you mean that the measures the candidate is supposed to support involve nationality, or that these men go with their leaders merely in consequence of their leaders being Irishmen?—I think that the great body know very little about the merits of the candidates or the political questions of the country, and that they are led by a smaller number of respectable men, their countrymen.

8644. Was it those men who disturbed the poll at the Jackson elections, when there was so much talk about the riots?—Yes, it was attributed to them; probably they were not the only persons in fault.

8645. Did you ever hear of a case in which there were some Irishmen who took a different view of political questions, and were in consequence of that persecuted and made uncomfortable by the remainder?—Yes, a case of this kind occurred when I was in New York; there was a split among them, three or four of the most influential of the Irishmen joined the party that were designated as Whigs, that is, the opponents of the Jackson party; Doctor M'Niven used a great deal of influence over them; he had been a Jackson man, and belonged to that party many years; I think there were two sons of Mr. Emmett, the barrister, went with him, and they carried a considerable portion of those Irishmen, but not, probably, one-tenth.

8646. Are those persons supposed to belong to the aristocratical party?—No, they claim to be rather purer republicans than the Jackson men.

8647. How are the canvassers selected, by the ward committees? do they select them by chance, or as persons likely to have influence?—The leading men in each ward meet, and they form a committee of such persons as they think will have the most influence.

8648. In selecting the canvassers, if a particular voter is canvassed, is it not considered an advantage to send to the voter a person who deals with him, or who lives in his neighbourhood?—No doubt.

8649. The only security in America, where the ballot exists, for the fulfilment of the promise of the voter is his own honour?—Yes.

8650. Did you ever hear of sham names being given in?—Yes, I know that tricks of that kind have been practised upon voters on both sides, on persons who could not read; the names have been improperly given, and the vote has been lost in consequence; there are a few in almost every election.

8651. Do you mean that you have ever heard that, for the sake of neutralizing a man's vote, another person has played this trick upon him?—Yes.

8652. Is a paper folded up ready for the poll purporting to be a paper for one of the candidates, which contains, in fact, no name at all, or an imaginary name?—Not exactly an imaginary name, but they have been mis-spelt, so as to vitiate the ticket; those tickets have been printed by the committee of the opposing party.

8653. Did you never hear of an imaginary name being put in?—I am not clear of that, I think I have some recollection of it.

8654. Did you never hear of the name of Paul Pry being put in at the New York election?—No.

8655. If that were done it would go for nothing?—Just so; it is a waste of paper.

8656. That trick is played on a voter who cannot read, and who is under the necessity of getting his ticket written for him?—I should imagine so.——(*Mr. Goddard.*)—I should say that the voter who could not read on receiving his vote would take it to his friends, to see whether it was a right vote. I never knew but one person (before I left America), twenty-one years of age, that could not read, that person was a woman.——(*Mr. Van Wart.*)—There are many in New York, many free blacks who cannot read.

8657. The voter himself has the power of giving a sham name to compromise the matter with his conscience?—He might put in a blank paper.——(*Mr. Goddard.*)—If he put in a vote for Paul Pry and there should happen to be a majority for Paul Pry, he would be returned.

8658. Does the same system of previous meeting, in the nature of a caucus, exist at Boston?—Yes, meetings are held, but what is called canvassing, resolves itself in Boston, and in all the state of Massachusetts, into appeals through the public prints, and public meetings are held, at which speeches are made, addressed to the feelings and judgments of the electors; I have known no other canvassing but that. I attribute the great quiet in which elections are conducted in Massachusetts, and in the states generally, entirely to the ballot; but for the ballot there would have been serious commotions last year, if not a revolution; the people were exceedingly excited from one end of the Union to the other; there are three millions

millions of voters, whose passions were roused to the utmost; they are all politicans, and I conceive they would have come to blows from one end of the country to the other, but for the voting by ballot, which is a safety valve to their passions; when the election is over they return to their business, and abide the result whatever it may be. I consider the ballot as the only safeguard of conservative principles in America, and that it will shortly become so in England, owing to the active part which all classes begin to take in politics; I have never heard a reason against the ballot; those which are professedly so, are merely against the propriety of allowing the voters to exercise their own opinions.

8659. Do you think that the declaring the vote *vivâ voce* will produce that sort of excitement?—Unquestionably, it would bring them so much into personal collision.

8660. Do the parties wear different colours, or any emblems of distinction?—Sometimes they may do so, but it is not general; they have different modes in different places.

8661. Would not the assumption of colours, considering how well known the political opinions of persons are, in addition to that general knowledge which persons possess, be likely to produce the same excitement as the declaring the votes at the poll would do?—I think not; if persons should choose not to adopt either colour, they would be unmolested.

8662. Was there not in the south considerable rioting last year?—There was a little in New York and in Philadelphia, but none of any consequence in any other places in Philadelphia; I think one person was killed, but it was at night, after the poll was closed.

8663. Was there not a serious riot?—It was serious, for any thing of that sort is serious in that country; but comparatively it was not serious. Something like a hundred thousand foreigners are thrown every year on the shores of America, and for the most part they are labourers, a great many Irish labourers; they are admitted to the rights of American citizenship before they can fully appreciate them, or truly appreciate their duties as citizens, most of them having taken no part in politics in the old countries they came from, except as bludgeon-men at elections, or something of that kind; not understanding the different forms of government they are not qualified to act as citizens so soon as they are admitted, and they are often guilty of outrages, bringing with them, as they do, their own habits, which are not common to the American citizens; many of the hundred thousand who come every year, by false swearing and in various ways obtain votes before their proper term of inhabitancy has expired.

8664. What term of inhabitancy is generally required in the states of New York and Pennsylvania?—I think it is the same in all the states.——(*Mr. Van Wart.*)—It is two years now, reduced from five.

8665. You stated that some of those labourers acquire a qualification by false swearing before their two years have passed?—(*Mr. Goddard.*)—Yes, I merely attempt to show that two or even five years is too short a period for them to appreciate their duties as citizens, but that it is obtained even in a shorter period.

8666. Are the children of those Irish settlers found to be as good citizens as others?—Yes, they are as good citizens as any, but the emigrants from previous habit take a more violent part than the American citizens, who are accustomed to allow their passions to pass off through the ballot.

8667. Have you as large an infusion of Irish labourers at Boston as there are at New York or Philadelphia, in proportion to the population of the city?—No, not as at New York; I do not know the proportion at Philadelphia.

8668. Were you in England during the late general election?—Yes.

8669. As compared with England, were not those riots of which you have spoken in New York and Philadelphia as serious as those which occur in a general election here?—No, I think not.

8670. Did you ever hear of the Coventry election?—Yes.

8671. Were you ever present at a Coventry election?—No.

8672. You have probably heard of it?—Yes.

8673. Did you take some part in the late election for Staffordshire?—I took very little part; I was charged with taking a part I had not taken.

8674. Do you know whether influence was exercised there?—Some influence was used, to what extent I do not know.

8675. Do you attribute the riots in America to the new settlers?—Yes, the riots in New York certainly were occasioned, as I am told and believe, by Irishmen.

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8676. *To Mr. Van Wart.*]—Is that your opinion?—Yes; but there were many Americans mingled with them.

8677. There were a great many Irish who had been settled there for a great many years?—Yes, and there is a fresh importation every year to a great extent.

8678. When you say that the Irishmen hang together, do you mean that the sons of Irishmen hang together?—Not to the same extent as their fathers.

8679. Have you ever had any knowledge of those states of the Union in which *vivâ voce* voting still prevails, there being four states out of twenty-four in which that is the case?—(*Mr. Goddard.*)—I have not; Virginia is one; I have no personal knowledge of that state.——(*Mr. Van Wart.*)—I was never in either of those states during an election, therefore I cannot give any useful information.

8680. Has the question ever been proposed in America of having open voting?—I have often heard the subject mentioned, but I never heard in New York but one person advocate the voting *vivâ voce*.

8681. It has never been discussed in the Legislature?—Yes, it has, many years ago.

8682. Not lately?—No, when it was first adopted, at the adoption of the constitution, the vote by ballot was determined on by way of experiment, I think, for two years, that was in 1777, I think, and they continued to vote by ballot until within the last 12 or 14 years, when at the convention the vote by ballot was confirmed, and even the Legislature cannot alter it.

8683. How is that impossible?—(*Mr. Goddard.*)—It is a part of the constitution; there are a great number of papers published in every part of the United States, and I have been in the habit of reading them for a number of years; I do not know that I ever saw any article in any of those papers in my life against the vote by ballot.

8684. Have you ever seen any article on the subject?—Not in the American papers; they take it as a thing settled, as the only mode of voting.

8685. Are you aware of the subject having been discussed in any other states of the Union?—I am not; I believe it has been very partially discussed.——(*Mr. Van Wart.*)—Nor am I: the *vivâ voce* system of voting exists in Kentucky, I presume, because Kentucky was originally a part of Virginia, in which it prevailed at the separation, and still prevails.

8686. Amongst the 20 respectable persons whom you have mentioned as having influence over the Irish in New York, are there any priests?—I have heard it said that the priests do use the influence they have over those people, but to what extent I really do not know; I have never heard that the confessional was ever made use of by them.

8687. There have been no questions of vital importance to the Roman Catholic religion agitated in America of late?—No, and I do not think it likely there will be, there are no religious distinctions there.

8688. Do you find that the Catholic priests interfere much in Maryland or those states where there is a larger proportion of the population Catholic?—I have never heard that.

8689. Do clergymen of other denominations interfere in elections?—No, it would be considered very disreputable for them to do so.

8690. Would it be considered disreputable for a clergyman to take a part in the meetings you have described?—Yes for clergymen of any denomination.

8691. Would it be considered disreputable for a clergyman or Catholic priest to go about canvassing?—Certainly.

8692. You never heard of a priest canvassing a party?—Never.

8693. Do not some of the clergymen take an active part in politics?—They do not hesitate to declare their opinions sometimes, and I believe they vote.——(*Mr. Goddard.*)—I believe the clergymen in New England do not vote in general.

8694. Taking the case at Boston, if such a man as Dr. Channing were to interfere, would not his opinion of the candidate be supposed to weigh considerably in favour of this or that man?——(*Mr. Goddard.*)—Yes, with those who are accustomed to look up to him as a competent judge; I do not think his opinions on political questions would be much known; I do not think he would obtrude an opinion. I believe that the clergymen of Boston do not vote on any occasion, I never heard of their voting.

8695. In point of fact, they take no part in the election?—No.

8696. There is a large body of Roman Catholics in Maryland, and a large body of Roman Catholic clergy?—Yes.

8697. The

8697. The Jesuits have an establishment there?—I believe they have.

8698. Have you ever heard of the priests in Maryland interfering?—I never have heard of that; I should be likely to hear it through the public papers; I have never resided there; I have never heard of any thing of the kind.

8699, Do not you think it would have been matter of complaint if they had interfered?—I think it would.

8700. Are you not convinced then that the Roman Catholic clergymen in Maryland, which may be considered in a great measure a Roman Catholic state, have never actively interfered respecting the elections?—I imagine they have not interfered in elections, excepting so far as persons who think highly of their opinions are induced to act in conformity, for I do not think it would be disgraceful to any priest or clergyman to give an opinion, and to express it in his immediate circle, and I dare say that the influence that would arise from such an expression has been felt, but no direct influence exercised.

8701. Nothing like spiritual intimidation?—Certainly not, in my opinion; it may have occurred, but I never heard of it.

8702. Have you ever heard any complaint of bribery being practised at any general election?—(*Mr. Van Wart.*)—I never heard any complaint of the kind in my life.

8703. Do you believe that it exists, or ever has?—I believe not.

8704. Treating, giving electors dinners and a quantity of drink?—I know that formerly, at the head quarters in New York, a table has been set out with meats, and persons might go and help themselves.

8705. By the head quarters you mean the place where they assemble?—Yes, at the committee rooms; whether that has been done latterly, I cannot say.

8706. Do you mean during the polling?—Yes, where the committee sat; in fact it was a table more for the convenience of the leading persons actively employed in looking up the voters to refresh themselves than like open house, for the voters to come and help themselves.

8707. The question refers to the giving intoxicating liquors and things of that kind to the lower class of voters, who are likely to be influenced by a treat to give their votes for one candidate rather than another?—No, I think not; I think occasionally it may have been done to a trifling extent, but not to any great extent, if at all.

8708. Given at the taverns?—Yes, where the committee were sitting.

8709. Did you ever hear of any taverns being thrown open, with a flag over the door, to intimate that the voters in the interest of any one candidate might go in and have as much drink as they liked for nothing?—No; it was very common for a flag to be hoisted at the house where the committee sat, but it was not open for persons to go and take what they liked.

8710. Is it common for voters to make men drunk before they go to the poll, or to go up to vote in a state of drunkenness?—No.

8711. Did you ever hear of tickets being given for refreshment?—Never.

8712. Do the candidates, on the committees to which you allude, expend a considerable sum of money on the election?—Yes; not what would be called a considerable sum of money in this country; it is chiefly in carriages to bring up the voters and in printing, and a variety of things of that kind; it is certainly not in bribery; I do not believe that any such cases have occurred.

8713. Did you ever hear of their spending much money in providing meat and drink for voters?—No.

8714. Can you state what the expense of an election at New York is?—No, I cannot; I know that formerly a subscription was generally raised among the leading men of the party to defray the expenses of the election, but to what extent I cannot pretend to give an opinion.

8715. You said you had never heard any complaint of bribery; do you mean that you never heard any specific complaint, or that you never heard it discussed and complained of, in the newspapers, for instance?—There has no case of the kind ever come within my knowledge, and I have no recollection of having seen a charge of bribery against either party in the newspapers.

8716. Do you mean only bribery, or do you allude to all other means of corruption?—I mean only bribery, but I might extend it to all modes of bribery; I should make this exception—I have heard that there has been a treaty among the leading men as to offices occasionally.

8717. There have been great complaints made, not of corruption by money, but by

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by the promise of an office?—I believe that has been done; that there has been an understanding a leading party has been brought over to take a part in support of one party or the other, where they have held out that he should have a certain office.

8718. On a change of government, there is a very extensive change of persons employed by them?—Yes.

8719. Do you think that species of corruption extends to what may be called the purchase of individual votes, or does it refer to purchasing the support, at the election, of influential persons?—To secure the support of influential persons.

8720. So that a man, simply by giving his vote, would not be supposed even in this case to acquire a title to any office in the gift of those persons; he must therefore give more than his simple vote?—Yes.

8721. A person who merely votes for General Jackson or any other candidate, but does not take an active part for him, has less chance of office under the Government than a man who merely expresses his opinion?—Perhaps he may be said to have a little chance, but generally in selecting persons to take office there are many considerations, a man would not be likely to get an office (if he was thought an unsuitable person) merely because he voted for that party.

8722. You were understood to say that an appointment was not given for a mere vote but for actual service?—Yes; I have heard of such things, and am inclined to believe they are true; but I do not know any case of the kind.

8723. It would be possible for a person under that plan to make himself active apparently for General Jackson, but to vote for his opponent?—Yes; that might be done, certainly.

8724. Do they give the office on the mere word of the man?—It is something more than the mere word, for he is active in canvassing; they know what his intentions are.

8725. Supposing him to have been on the ward committee for General Jackson, and to have afterwards voted against him, an office might be offered?—It is possible, certainly, for no one can know how he voted.

8726. But it is possible that bribery of that kind would only be practised in the case of a person who had afforded services in public and secretly voted the other way?—Certainly.

8727. The secresy arising from ballot does not deter them from corruption?—I apprehend it is the case in all countries under all systems of voting, in distributing the good things of the Government, to weigh the value of the service of the party as well as his suitableness in other respects to take that office.

8728. Do you not believe there are positive promises of office made previous to voting?—I should think very rarely; I do not know of any case; but strong expectations have been held out.

8729. It is very roundly asserted, is it not?—Yes; as to assertions on this subject in the American newspapers they are entitled to very little attention, the parties run very high there, and they say any thing to accomplish their object; they charge one another with high crimes and misdemeanors.

8730. *To Mr. Goddard.*]—Have you any observations to make on the subject of bribery, which distinguish Boston from New York?—I never heard of any bribery in Boston, or any being attempted, nor did I ever hear of any treating of any kind; I consider that bribery, as the elections are now conducted, and considering the number of electors, is next to impossible in theory, and in practice quite impossible.

8731. Are you aware what the expense of a contested election at Boston is?—No, I cannot state how little it is, it must be very trifling indeed.

8732. *To Mr. Van Wart.*]—You said there were considerable sums spent occasionally, qualifying that expression considerably, what would you consider a considerable sum to be spent in an election?—Perhaps an election throughout the state might cost 10,000 dollars, the whole election for the state of New York; I doubt whether it would cost more than that; it might exceed it; the chief expense would be in printing.

8733. Do you believe the late contest for the governorship of New York, when Governor Marcy was elected, might have cost to each party about 10,000 dollars, about 2,000 *l.*?—I meant the expense of both parties; the chief expense is in printing.

8734. That expense being equally divided between the two parties?—Yes, pretty equally.

8735. The state of New York contains above a million of people?—Yes, it contains I believe now about two millions.

8736. What proportion of that 5,000 dollars would be spent in the town of New York alone?—Probably one-third; but I wish it to be understood I have no positive knowledge on the subject, but I imagine that may be about the expense, for I know that the principal expense is in printing, publishing, placards and things of that kind.

8737. You would consider that for an election for the town of New York, supposing it not to be a state election, 2,000 dollars was a considerable sum for one party to spend?—Yes, I should.

8738. Do not you think that the extreme frequency of election contributes to the diminution of the disposition to spend money?—Yes, I am inclined to think it does, supposing it was a great object, as regards profit to the leading men that are generally office holders.

8739. What is the number of the constituency in the whole state of New York?—I think about 200,000.

8740. The extent of the constituency would render it more difficult to bribe?—Decidedly; I conceive it would be impossible to bribe any large constituency under the ballot system.

8741. Do you think it would be possible to bribe 200,000 without the ballot system, to an extent that would be worth while?—Yes, I think it might be done; but I do not think it would be attempted there.

8742. Suppose it is a hard run contest, and that there is a small number which will turn the balance either way, if the vote is given openly, may it not be worth the while of either candidate to bribe that balance which will turn the scale?—Yes, it might, and probably would, if the votes were given openly; but I conceive that would never be done under the ballot system, for they would have no security that they voted as they promised them.

8743. Is the state of the poll known during the progress of the poll?—It is known pretty accurately, because each party know the sentiments of their men who go up to vote.

8744. When you say that it is known, is it accurately known?—No; nor is it officially known.

8745. Suppose there are 200,000 voters and it is not accurately known, it could never be worth the while of either party, in order to secure the turn of the scale, to bribe any small minority?—No.

8746. Any election by a constituency of that extent, if carried by only 1,000, would be a near run thing?—Yes.

8747. It would come to a considerable sum to give only a dollar a-piece to each of them?—Yes.

8748. Do you know what is the number of voters in the town of New York?—About 25,000. I believe there are about 260,000 inhabitants in the city.——(*Mr. Goddard.*)—The whole number of votes in the State of Massachusetts are given in two or three hours, so that it would be impossible to know the state of the poll.

8749. In Boston there are 6,000 votes?—Yes, there were at the time I refer to.

8750. What is the population of Boston?—60,000.

8751. How do the county voters vote in an election for the State?—They assemble at their respective parishes; in some parishes all the voting is done in one building.

8752. Do they vote in their townships?—Yes, in their respective parishes.

8753. How is the expense of that supplied?—There is no expense attending it; the select men of the town receive the votes.

8754. What is the greatest distance any voter has to go to the place of polling?—Some two or three miles.——(*Mr. Van Wart.*)—They go at their own expense.

8755. You are aware that there are many petitions presented to Parliament to set aside the return of Members in this country?—(*Mr. Goddard.*)—Yes.

8756. And that the trial of questions arising from those petitions is attended with a great deal of expense?—Yes.

8757. Are there petitions to Congress to set aside the return of Members chosen by ballot?—I think they are very rare; there are instances of Members being contested, and of their having been unseated.

8758. On what ground?—Of illegal return.

8759. There

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8759. There can be no scrutiny of votes?—I do not recollect any instance; the votes being once received, it must arise from the illegal return of the officer, not from invalid votes.

8760. You are satisfied that such petitions are extremely rare?—Very rare indeed; it must arise, I apprehend, from an incorrect return on the part of the returning officer.——(*Mr. Van Wart.*)—There was a case of that kind last year, of a senator from the State of Rhode Island.

8761. What was the ground?—They contended that the return was illegal from want of form; it was Mr. Potter, of Rhode Island; he was confirmed in his seat; but there was no expense attending it.

8762. How are those petitions decided?—It was a petition, I think, to the Senate.

8763. Did they refer it to a committee?—Yes, and in this case of Mr. Potter they decided that he was correctly returned.

8764. Had the committee any legal assistant or assessor?—I rather think not.

8765. You have resided a good while in Birmingham?—I have; 25 years.

8766. Have you voted there, or been present at the elections of Guardians of the Poor, at which a sort of imperfect ballot is adopted?—Never; but have attended one vestry meeting in the town of Birmingham, and was much disgusted; there the voting was open, and the question was decided by a show of hands. I reside in Edgebaston, out of the parish of Birmingham.

Mr. *William Douglas*, called in; and Examined.

Mr. W. Douglas.

8767. DO you occupy any situation in St. Pancras parish?—I am a vestryman of the parish.

8768. Have you acted as inspector of votes on the choice of vestrymen under Sir John Hobhouse's Act?—I have, for three years.

8769. Have the goodness to state in what manner those elections are conducted?—They vote by lists; there is a nomination day, and upon that day there are eight inspectors of votes appointed.

8770. How are those inspectors appointed?—Four by the churchwardens and four elected by the meeting.

8771. Are they elected by ballot?—No, by show of hands; on the following day the inspectors meet at the vestry rooms, and then the collectors are present, and when each voter comes up, a reference is made to the collector's books, to see that he has paid his rates; he then gives his list into the hands of an inspector, who puts it into the ballot box; after the election is over, the votes are inspected and the return is made.

8772. How many vestrymen are elected?—Forty.

8773. How many go out by rotation in each year?—There are 120 vestrymen, and 40 go out each year.

8774. Is it usual for the different parties to have printed lists?—Yes.

8775. What proportion of the lists delivered in are in manuscript, and what proportion are printed?—I think the greatest number of the manuscript was three in three years out of the whole number delivered in.

8776. What is the number of rate-payers entitled to vote at the several elections which have taken place?—I can state the number who have voted; but the number who were entitled to vote I cannot say, without looking over the book; the great cause of disqualification was the non-payment of the church rate; there were about 4,000 disqualified for that; there were 2,910 voted at the last election, and 3,406 at the last election but one.

8777. Was that the greatest number?—Yes.

8778. Do you remember the number who voted at any previous election?—The first election was 2,700 and odd 30 or 40.

8779. Was the last a very strongly contested election?—Very strong.

8780. What was the number on each side?—I do not recollect the number; but the difference was 576, that was the majority.

8781. Is there much canvassing previous to the day of polling?—Yes, about three or four weeks before it.

8782. Does each party send round lists of the candidates to whom they wish success?—They send round circular letters.

8783. Are there more than two printed lists?—Yes; there are four printed lists, but on different colours; each party have a blue paper and a white paper, that will be two lists.

8784. These

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8784. These were sent round previous to the day of polling by each party?—Yes.

8785. Were the lists left at the house of each person entitled to vote?—Yes; a letter was addressed to him containing the list.

8786. Did either party adopt the expedient of printing the lists on paper of a particular colour?—They both did.

8787. What were the colours?—Blue and white.

8788. Blue for one party and white for the other?—Yes; then the blue party had a white paper and the white party had a blue paper.

8789. Which party first adopted the expedient of printing the lists on paper of a particular colour?—It was adopted on the first election four years ago.

8790. What was the object of printing them on coloured paper?—I do not know of any particular reason; they called themselves Blues, and wished to keep up the colour.

8791. Was not it to make it apparent at the time of delivering in the list on which side any voter voted?—I think not; I think that the object was that they should not be deceived by the similarity of the papers; that the person having made up his mind to vote for a party would vote for the Blues, and a blue paper was given him.

8792. What do you mean by their not being deceived?—If there had been two white papers, a canvasser might have put a paper into his hand stating it to be the list of one party, when in fact it was the opposite party, and the different colours were adopted to prevent the voter being imposed on.

8793. Was not the object to let it be known to the bystanders on which side he intended to vote?—No; unless he let it be seen before he came into the room, the bystanders could have no means of knowing.

8794. Would it not be seen by the colour of the paper which he used?—Not unless he exposed the list outside the vestry room; there is no person admitted into the room but the inspectors and collectors.

8795. There is a separate room to which none but the inspectors and collectors are admitted?—And the voters.

8796. Any voters?—Yes.

8797. Then any voter could see what was the colour of the paper delivered in?—Certainly.

8798. Did the white party adopt the expedient of having lists also printed on blue?—Not the first year or the second year.

8799. They did the third year?—Yes.

8800. Why did they do so?—I cannot tell.

8801. Do not you know what their motives were for adopting the colour of their opponents?—No; I do not belong to them.

8802. Which party do you belong to?—To the Blues.

8803. Were any of your papers printed on white?—Yes.

8804. Why did you do that?—It was at the request of some persons who did not wish to be seen as belonging to the Blue party, as they did not wish several of their customers to know how they voted, and they would rather vote by a white paper than a blue one.

8805. So that the effect of printing the papers of any particular colour was evaded by the other party printing lists on the same colour?—Exactly so.

8806. By this means it was rather kept a secret by all who desired to do so in what manner they voted?—Yes.

8807. Do you believe that any individual voter, who wishes to keep it a secret in what manner he voted, has an opportunity of doing so according to the mode adopted at St. Pancras?—Certainly; in many of our lists names were scratched out, the blue lists altered with only one name left upon it, and the same with the white list; there were never less than 150 or 200 papers of each party of that kind; some of them voted with manuscript lists, but very few; some of them have torn the papers and stuck them together.

8808. Was it the popular party or the other party had the majority?—The popular party.

8809. They had about 1,700 votes?—Yes; and the other about 1,100.

8810. How many of the 1,736 that voted on your side were unknown to you as to the manner in which they intended to vote beforehand?—I should think pretty nearly the whole of them were known to us by their coming to the committee, and saying they should vote so.

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8811. The greater part did not care for keeping it a secret how they meant to vote?—No.

8812. Were there a hundred as to whom you did not know how they intended to vote?—I think there were more. There was a return of about 1,400 out of 1,700.

8813. There were about 300 votes unknown to you as to how they were to be given?—At least that.

8814. Is it possible immediately previous to voting for a person to put a list into a voter's hands, and to watch him from the time he has done so till he puts his list into the box, to be secure that he delivers that list and no other?—He may come with him to the door of the room where the voters enter, but no further?—That was the regulation we made.

8815. Lists are delivered to the voters at the outside of the room?—Outside the vestry room. We would not allow any list to be inside the vestry room. There were canvassers outside.

8816. That gives to a party an opportunity of delivering in which list he pleases, without having his list watched?—Yes, certainly.

8817. Do you think that the voting at Saint Pancras is practically secret, if a person wishes to make it so?—Decidedly so, if a person wishes to make it so.

8818. Where it is agreed that a ticket with a particular colour shall be used by one party, it will be easily ascertained whether the elector uses that coloured ticket or not?—No; I do not see that that could be very easily ascertained.

8819. What persons are admitted into the balloting room?—The inspectors, the collectors and the voters, as many as come up, sometimes eight or ten, sometimes one, sometimes two, according as they come up.

8820. Have the elections been conducted, since this mode of voting was adopted, with perfect quiet?—Yes; there was a little attempt at disturbance last year.

8821. To what extent?—They, the Whites, got a parcel of stone-breakers up from the parish stone-wharf, and attempted to create a disturbance, by inciting them to attack the popular party, by a statement that they had deprived them of their shilling a day, or something of that kind.

8822. What did the stone-breakers do?—They came up before the committee room, and had placards in their hats.

8823. Did they attend at the place of polling?—It was near to the place of polling. They were not admitted, of course, inside the walls of the vestry room.

8824. Did they molest any of the voters in going in to poll?—No, I cannot say that they did. They molested them going into the committee room; but then the police were sent for directly it was known by the inspectors, and they had them moved away.

8825. Was there any molestation of the unpopular voters?—Not that I am aware of, there might be a little hissing, and so on, but nothing else.

8826. Of those persons whose opinions were known?—If a person came with his blue paper or his white paper in his hand and exposed it, as many did.

8827. You have committees of the different parties in that parish?—Yes.

8828. Do they canvass?—There was a great deal of canvassing on the part of the opposite party; we cannot afford to canvass on our part. I suppose they went to the expense of 300 *l.* or 400 *l.*, but our election did not cost 30 *l.*

8829. Do you mean to say that your committee did not canvass?—They do canvass, but never as the others do, we never had a paid canvasser.

8830. In selecting the persons to canvass voters, do you select the persons who will have influence?—It is generally a person residing in the neighbourhood.

8831. Or his employer?—No, we have very few of them employed in that way, they would not go round canvassing, neither the manufacturers nor the masters of any kind.

8832. They do not take a sufficiently strong interest in it?—It is generally done by the men, the journeymen, they take greater interest in it.

8833. Are you a member of one of the committees?—Yes.

8834. Do they not send the most likely person to canvass a particular voter?—No, not at all; we generally say, the election is about to take place on such a day, and if any gentleman will undertake to canvass we shall be glad of assistance, and one takes one street and one another.

8835. If a person is returned as doubtful, what steps do you take?—We never had a return of that kind, or came so near.

8836. The effect of this mode of election has been to confine the election to one particular

particular party?—It has been, certainly, although there has been a strong attempt to turn them out.

8837. Exclusively one political party?—No, not political party, we do not inquire whether a person is a Whig, or a Radical, or a Tory.

8838. How is it in fact, had you a Tory in your list?—Yes, we had more than one.

8839. If the voting had been open, would the result have been different?—I think not; in a parish where there are such a number of voters it is impossible to bribe or intimidate a sufficient number of persons, where there are 7,000 or 8,000 voters.

8840. Have the customers endeavoured to intimidate by withdrawing or threatening to withdraw their custom?—I do not know that they have done that, they have sent round their lists and canvassing cards to the different tradespeople.

8841. Have you known any voters who were anxious that the way in which they voted should not become known to the persons who dealt with them?—Several.

8842. You would believe that this 300 you speak of were persons who had desired to conceal for which side they had voted, and therefore had used the colour of the other side?—I think the whole of them who voted with the different lists we prepared amounted to very nearly 600, those who gave the white list for the Blues, or the blue list for the Whites.

8843. Do your committee keep a list of persons supposed to have voted for you at the last election?—No.

8844. Do you mean that there is no list of persons supposed to have voted on your side?—None whatever.

8845. Then you go to elections as if no election had taken place?—We go to the rate books to see who is entitled to vote; it is a very fluctuating body in that parish.

8846. Is your election quietly conducted?—Yes, with the exception I have stated.

8847. Is there any publication of the poll?—It is put up at the committee-room.

8848. How many days does the polling last?—Three days.

8849. Could not it be concluded in one day?—I think it might.

8850. When they put up the poll at the committee room, on what evidence do they proceed?—It is mere guess.

8851. When you see a man going up to the poll, if you know any thing of his sentiments one way or another, you set him down as voting in such a way?—Yes, men will go into the committee room and ask for the list; they sometimes will ask for a white and blue; they generally go into the committee room in the majority of cases.

8852. Is the committee room the room in which they vote?—No, that is outside.

8853. That gives you an opportunity of knowing your own voters; but how do you know those of the other side?—Of the other side we know some; but it is a mere guess; it cannot be any thing else.

8854. Can you state what difference there was between the published account at the committee room and the account as it turned out?—No, I cannot; but it was a very considerable difference, 400 or 500.

8855. Can you inform the Committee what were the numbers put up at the committee room on your side and the numbers as they turned out?—No, I cannot.

8856. Do you mean to say that your committee published themselves as in the majority when they were in the minority?—We were always in the majority.

8857. The difference you say was only about 500?—I think on the second day it was stated that we were between 600 and 700 ahead, and before that it was stated that there were 1,700 had voted on one side, or it might be 1,800, although no such number had voted on the last day.

8858. There could be no difficulty in ascertaining the number who had voted?—Unless a person was kept there to ascertain the number that went into the room, it could not be done, and that we never did.

8859. On what ground did you put down the numbers at all?—It was a mere matter of guess; the inspectors could have told perhaps within 20 or 30 of the number that voted on one day.

8860. Do you mean that, having the opportunity of counting the persons as they went in and out, they published the numbers by guess?—No; I imagine they might do that by the report of the inspectors, but it could be only by guess.

8861. Had they the means of communicating with the inspectors?—Yes; I have myself communicated with other members of the committee.

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8862. You gave the result of your observation to the committee?—Yes, I gave them my guess.

8863. Was it you who supplied the numbers that were put up at the committee room?—No, I never had any communication with them till the election for each day was over, but the numbers were put up almost every hour; I could give only as regarded my own room, there was another room of which I knew nothing.

8864. Does the mode of election give satisfaction to the parish?—It does.

8865. What is your business?—I am the collector of the London Gas Company.

8866. How long have you resided in the parish?—Twelve years.

Nicholas Aylward Vigors, Esq., a Member of the House; Examined.

N. A. Vigors, Esq. M. P.

8867. HAVE you voted for vestrymen of St. Pancras under Sir John Hobhouse's Act?—Yes; at three elections.

8868. You have heard the evidence given by the former witness?—I have.

8869. Is there any point on which you differ from him, or on which you wish to give any explanation?—No, none at all. I was an eye-witness to the mode of balloting: I can state decisively that any one who wished to ballot secretly might have done so.

8870. Do you concur in the view taken by Mr. Douglas of the mode of voting?—Yes.

8871. You voted yourself?—Yes; but I voted openly, having no wish to conceal my vote, but at the same time I had the power of voting secretly.

8872. Are you aware that according to the Act you are required to deliver in your list folded?—Yes; but every man knew the part I meant to take, and I made no concealment.

8873. Were there many other voters who exhibited their list openly?—I had not an opportunity of observing many, for I was there only for half an hour on one of the days of polling, but a very considerable number to my knowledge voted in such a manner that no other man could tell how they voted; they had an opportunity of doing so by having a white list with the same names as our blue list; both white and blue lists were distributed by our party.

8874. In order to prevent the colour disclosing in what manner a person voted?—Yes.

8875. So that for all who chose to vote secretly it is quite a practical mode of voting?—Yes.

8876. Do you understand that this mode of voting gives satisfaction in the parish?—I hear so.

8877. Was there any great excitement?—There was a good deal of excitement and feeling throughout the parish in regard to the election, but nothing like riot or disturbance; the whole as far as I saw was conducted with the utmost quietness and decorum; there was, as I heard, an attempt at riot on the part of the stone-breakers, but I did not witness it.

8878. Did you hear that any intimidation was exercised by customers over tradesmen?—I heard some reports of such, but was aware of nothing of the kind from my own knowledge.

8879. Did you hear the state of the poll on the two first days?—I heard what was supposed to be the state of the poll, but as Mr. Douglas observed, it was but a guess.

8880. Can you call to mind how far it was correct?—I certainly considered that the statement of what I heard the first day was very far from correct; there was a greater majority reported for the popular party than was afterwards found to have existed.

8881. Were each party proclaiming themselves to be in the majority?—I did not hear the statement of the opposite party at all.

8882. If the account of the two opposite committees had differed much, should you not have heard of that?—I lived at some distance from both committee rooms, and in fact I did not hear much, except from the personal inquiries I once or twice made at our own committee room.

Veneris, 17° *die Julii*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Dr. *M'Donnell*, Catholic Dean of Cashel, called in; and Examined.

Dr. *M'Donnell*. 17 July 1835.

8883. HOW long have you resided as clergyman in the town of Cashel?—Twenty years next October, sixteen years as curate, and four years nearly as parish priest.

8884. Did you accompany Mr. ———, one of the candidates at the last general election?—The January election?—No, I did not come into the town with him, but I went to meet him at a place where he arrived, at Mr. O'Brien's at the platform.

8885. Did you introduce him there to the people?—I did, and I will tell you the reason why. I was not determined to introduce him, but Mr. O'Brien being exhausted with fatigue, after meeting him some considerable distance from Cashel, and a great number of gentlemen on the platform calling aloud for me to come forward, that call I reluctantly complied with, although not being prepared on the occasion.

8886. Had your vote and interest at the election been previously asked for, and by whom?—My vote and interest were solicited.

8887. By whom?—By Mr. ———. I assured Mr. ——— I had no vote, not having registered. As to my interest, I could not concede it to him, and the reasons I assigned were, that he had not the talents nor the knowledge nor the political integrity which his competitor in the field just now had.

8888. Pray did you attend a meeting at the race-course on the 3d of January?—I did.

8889. Did you address the people there?—I did, unintentionally, and I will assign the reason why. I went there with no intention of addressing the people, but being attacked by Mr. Solicitor — —, and Sir John ———, and Mr. Solicitor ———, I found it necessary to make a defence.

8890. On that occasion did you threaten the people with deprivation of spiritual rites, or to bring the sickness upon them, or any other visitation?—I did no such thing, either upon that or any other occasion.

8891. Then if it was stated, that upon that occasion you said that you would deprive them of the rites of their religion, that you would put the sickness upon them if they dared to vote as they liked, that the grass should grow at their doors, if it were alleged that you used those expressions, is the allegation true or not?—I have been misrepresented.

8892. And you say, positively, you did not use those expressions?—I am ready to prove it.

8893. Pray, sir, did you, or to your knowledge, did any of your curates threaten any persons that you would have a cross marked upon their doors; and that in particular two bakers, neither of them should sell a bit of bread if they voted against the popular candidate?—I never made use of any such threat.

8894. To your knowledge or belief, did your curates make use of any such threat?—No, as far as I could ascertain, or as it came to my knowledge, as far as it ever came to my knowledge, to the best of my belief they never did. I cannot positively, on my oath, assert any thing of the kind, but I believe they did not.

8895. Now in the influence that you use to advise, or to induce persons having votes for the borough of Cashel to vote for Mr. ———, do you act in your spiritual capacity, or as you conceived you were entitled to do as a citizen in your temporal capacity?—As a clergyman, I have from my altar exhorted the people against perjury, bribery,—perhaps I ought to place bribery first, but it is immaterial, — drunkenness and rioting, which are the usual attendants on contested elections.

8896. Have you used your influence spiritually to induce voters to give their votes for the popular candidate, and contrary to their own wishes?—Never. I have as a citizen, or a member of civil society, assigned my reasons why they should prefer one candidate before another.

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8897. There was a report circulated that you, in order to increase the excitement against the unpopular candidate, had given out that you were to be assassinated; did you ever do so?—I can assert, most positively, I never gave out any such report, and that nothing ever gave me so much pain as the circulation of such a report.

8898. By whom do you believe that report was circulated?—I was under the impression, but I cannot however positively assert it to my knowledge, but I believe it was circulated by our adversaries. About five minutes after it was circulated, I went up to the platform and contradicted it most strenuously; but notwithstanding, the report went on so far as to reach the public journals.

8899. Pray, in the event of the ballot being established for taking the poll at elections, do you consider that the Catholic clergyman would use his influence, or could use it unduly and unconstitutionally, his spiritual influence, in the way of confession or any other way?—As to the ballot, I am glad you did not ask me any opinion about that, for I am not prepared to give any, but I say as to the influence of the sacerdotal character and clerical influence on the occasion, I have no hesitation in giving my opinion, and my opinion is, that there can be no clerical influence exercised on the occasion, and I will give you my reason why: the clergyman cannot ask the name or surname of any person for whom the voter has voted; there is no second opinion, I think, on that subject.

8900. Do you mean in confession?—Certainly.

8901. Can he interrogate a person under confession with regard to any political proceeding?—If a person says he has voted according to the dictates of his conscience, in my humble opinion the clergyman has no right to proceed any farther.

8902. Has he a right to interrogate the voter with regard to temporal matters at all, not criminal?—I should think not.

8903. It has been alleged that some of the tenants of Mr. ——— in the Commons had promised Mr. ———, and had been induced to break their promises and to vote for Mr. ———, the other candidate, by your influence; is that the case, and if it is, state the circumstances?—I consider that allegation to be false; I never requested of any tenant to break his promise with Mr. ———; I heard it asserted through the medium of a provincial journal, that some tenant had informed Sir John ——— that the clergyman exonerated him from his promise; I sent for the man and inquired whether he had said so; his report was that he met Sir John ——— and the Messrs. ———, accompanied by a bailiff, on his way to Cashel, and that he the tenant made no such charge on me; what passed between him and Sir John ——— or the Messrs. ——— I cannot know, but I can positively assert that I never solicited his vote, nor did I ever exempt him or exonerate him from any promise made to his landlord.

8904. We just asked you whether there was any man you applied to yourself to vote for Mr. ———, the liberal candidate, and who told you he was promised to Mr. ———, his opponent?—There was.

8905. Did you endeavour to induce that man to break his promise?—No, I did not; his name was Barry; he told me that his landlord had called on him, that he was under the impression that the landlord had a latitat against him, that he was confused and nonplussed, and that he promised his landlord; I told him he might vote according to the dictates of his conscience, for that I had not money to support him against his landlord.

8906. How did that man vote?—He voted however with the liberal interest, but that was my conversation with him, which I am ready to substantiate on oath. Afterwards his landlord called on him, and asked whether I called for the vote; he said, "I did;" the landlord asked, "What did the priest say?" and he said, "Nothing."

8907. Were there any other men besides him you asked to vote for Mr. ———, the liberal candidate, whom you had understood promised to vote for Mr. ———, his opponent?—There was another; he said he had promised to vote for his landlord.

8908. Against Mr. ———, the liberal candidate?—Yes.

8909. Did you try to influence that person?—I said to him "You are not a son of your father," and the reason I said that was, that his father had suffered persecution at the election before on account of giving an honest vote.

8910. From whom?—From Mr. ———.

8911. Who was his landlord?—Certainly; when the father was in the gaol of Clonmel

Clonmel I had advanced money out of my own pocket, a part of which is still due to me, in order to liberate him, being an aged and infirm man.

8912. Then you consider the son was bound in gratitude?—As a citizen, but as a clergyman I have nothing to say to it.

8913. Did you continue to use any influence to make the man change his vote?—No more than that.

8914. Did you hold out any other threat?—Nothing more than that to him.

8915. Did you hold out any threat to any other voter whatever?—I am not aware that I have done so.

8916. You combine in yourself the two characters of a citizen and a clergyman, it appears?—Yes.

8917. Pray how do you make it known to the members of your flock with whom you hold these communications, in which of your capacities, of clergyman or citizen, you are speaking to them?—I make it known to them by my conduct.

8918. How?—In my conduct as a clergyman I speak to them spiritually; in my conduct as a member of society I appeal to their reason and to their judgment, so far as regards temporal concerns or temporal interest.

8919. Then when you speak to them on spiritual matters you do not address yourself to their reason and judgment?—I do, but then I address myself also to another world; I have reference then to another world far beyond this; I do not come here to represent any opinions, I am a humble clergyman, I speak candidly and sincerely my own opinion as a clergyman; I spoke from my altar on perjury, on drunkenness and on rioting, and all their dreadful consequences, in my spiritual capacity, but when I was speaking to those persons in their individual capacities as citizens and as members of society, I addressed myself to them as far as regards their temporal interests, and showed them that one man was better than another, and I will give you my reasons why.

8920. Do the peasantry in your county speak Latin as they do in Kerry?—I do not know; some of the peasantry can understand reason, and can distinguish their friends from their foes in political contests.

8921. When you met such a man as Barry in the street, and you addressed him as to the person he should vote for, how do you make him understand you?—I gave him to understand it was better to vote for Mr. ——— than Mr. ———, and I told him the reason why.

8922. In giving him reasons why he should sooner vote for Mr. ——— rather than Mr. ———, did you draw any of your arguments from the considerations dependent on a future state?—Certainly not.

8923. Did you ever say to any of them that the interests of their church demands from them that they should vote for the candidates you recommend?—I never said so.

8924. You never said that?—Never; I defy any person to the proof of it.

8925. Where do you address the people: you say you have spoken to them from the altar?—I have spoken to them from both places, that is, the altar, and outside the sanctuary, but outside the sanctuary merely upon their temporal concerns.

8926. Then you distinguish between the altar and the outside of the sanctuary?—I do.

8927. You have spoken to them outside the sanctuary?—Yes.

8928. And on electioneering matters?—Yes.

8929. Was that in your chapel?—Never in the chapel on temporal concerns. I have spoken to them outside the chapel as a citizen, as any other man might do.

8930. In the chapel yard?—No, not in the chapel yard, but from the platform where Mr. ——— had arrived.

8931. Do you think that you have given them to understand so distinctly that you were addressing them merely as a citizen that they did not attribute any weight to your character of clergyman?—They would attribute weight, and they would have confidence in me had I never been a clergyman. I have found that a great many men, who, without flattering myself, appear to me to have no extraordinary advantage more than I have, have considerable influence as citizens from their education and from their integrity. I could instance a case where a young man, who is now no more, and who had been in the same college with me, was able, by his education, and by his integrity of character, and by the consequent confidence reposed in him by the people, to rally the whole county of Tipperary against the very high aristocracy in that Yorkshire of Ireland. On leaving college, he

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he became an attorney—I became a priest. I see no reason why, if we had changed sides, and I had pursued the same course, why I should not have had the same influence with the people.

8932. Do the people really distinguish between your clerical character and your character as a citizen—the lower orders of the people, when you speak to them on these matters, touching elections, politics, and such matters?—I think they do.

8933. And your opinion is that they do not give any weight to the spiritual portion of your character when you are speaking to them on political matters?—Certainly, and I will give you my reasons: had my spiritual character been the efficient cause of my influence, it would equally preponderate whatever side I might take; but it is evident from experience that had I taken a part hostile to the interests of the people, that my influence as a clergyman would have been null and void.

8934. But when your political and ecclesiastical character happened to coincide, as in this instance they did, does not your spiritual character add strength and influence to your political character with the lower orders of Roman Catholics?—I think they are like two parallel lines that never meet, my duty as a clergyman and my duty as a citizen; they never come in collision one with the other. The more I discharge the duties of a priest, the better citizen I shall be; and on the contrary, the better I discharge the duties of a citizen, the better priest I shall be.

8935. Do not both those characters blend in you?—They never come in collision. To blend and to come in collision are different things. One does not necessarily infringe on or destroy the other.

8936. I am not putting the case of collision or a destroying one another, I am putting the case where they both co-operate together, uniting in your person your political and spiritual functions; and I ask, does not the spiritual portion of your character add weight to the political portion of it when you are addressing the lower order of people, or rather does it not add weight to your character as a citizen?—I think if I am on the right side it does.

8937. Now, to take an instance of a class of clergymen not belonging to your own religion: if a clergyman of the Protestant Established Church in Ireland takes a part in an election, has he an increased influence over those persons whom he is in the habit of addressing on serious subjects, and is his influence materially increased by his having that spiritual communication with them on important subjects, and is he not in fact a very influential person among them from being in the habit at other times of conversing with them on matters of great importance?—My opinion is, that if his expressed feelings be in accordance with theirs, it might be so.

8938. Would they not be likely to listen to an opinion, even were it contrary in some degree from their own, if that opinion came from the lips of a person to whom upon the most important matters connected with this and a future life, they had been in the habit of listening with reverence and respect?—I cannot judge what their feelings may be, but I know that the feelings of our people would be the contrary; that is, if a clergyman was to go contrary to what they considered the truth and justice of the case, they would sooner listen to any other; his character would not entitle him to more respect than any other man, because they would consider him to be more culpable, that is, if he acted contrary to what would be the light of reason, and honour, and integrity.

8939. Then you are of opinion that taking a different line to them in politics would impair the influence of his spiritual instruction?—I should think it would be so, with regard to those who differ from him in the humbler classes.

8940. Is it with those who agree with you as to the person who would be worthy of support in the election, or those who differ from you, that you would prefer applying to, to support the side you prefer?—I could not know whether they agree or disagree till I applied to them, unless by hearsay.

8941. Now, for example, with regard to Barry, was it because he agreed with you that you applied to him?—I should not know till I applied to him.

8942. Would your endeavours be generally directed to persuade those who you thought were wavering in their mind, as to which course they should pursue, those who had no fixed opinion?—I would, as a citizen or a member of society, advise them to vote for what I considered I could prove to them, by reason and argument, to be most beneficial to them, and to the public at large.

8943. When Barry told you that he had promised a vote for Mr. ———, did you afterwards continue your conversation with a view to influence his vote?—Certainly not; I had only a few minutes' conversation with him, and I told him I

had no money to support him, and therefore he might vote according to the dictates of his conscience.

8944. Did you tell him or hint to him, that you would absolve him from his promise?—I declare most solemnly I did no such thing.

8945. May a priest in confession ask a man how he has voted?—I should only answer that question for myself, that I would not; I am not supposing that I am the representative of any body of men here.

8946. Are you not a dignitary in the Roman Catholic church?—Yes, but still I only answer for myself.

8947. What is your dignity in the Roman Catholic church?—I am a dean of the Roman Catholic church, but of course the laws of the realm do not acknowledge that.

8948. How long have you been in the Roman Catholic church?—Twenty years.

8949. I ask you as a dean, and as a minister of 20 years standing in the Roman Catholic church, from your knowledge of the rules that guide the conduct of Roman Catholic clergymen, would a Roman Catholic clergyman be justified in asking of a Roman Catholic how he voted at an election?—I shall answer that question in my own humble opinion, and I shall answer for myself, he would not, if by the word "how" you mean "for whom."

8950. What then do you mean by saying that a priest would not be at liberty to ask in the confessional the christian name or surname of the person for whom he voted?—I shall give my reason for that; my answer to that question is, that it may be lawful for a clergyman, in my humble judgment, to ask an elector how he voted, that is to say, whether he had voted according to the dictates of his conscience or not; this does not involve any difficulty on the part of the Catholic elector, for even if he had voted for the favourite of the clergyman, he might vote perhaps contrary to the dictate of his conscience. I give that in my own judgment, because voting according to the dictates of his conscience does not necessarily imply voting for the person to whom the clergyman may be partial.

8951. Do you think that the interests of the Roman Catholic church were concerned in the matter of the last election for Members of Parliament? Do you think it a matter that concerned the interests of the Roman Catholic church, that in your borough what you call the liberal or successful candidate should be returned?—I must say I never adverted to the interests of the Roman Catholic church, I adverted to the interests of the community, and I will give you my reason for saying so: if I were to advert to the interests or domination of my own church, I should perhaps feel a pride in being represented by a Roman Catholic of rank and property. On the occasion of the election of Mr. ——— and Mr. ———, the representation of Cashel was solicited by a Roman Catholic of rank and property, who had hereditary claims on those of his own communion, yet the inhabitants of Cashel and I preferred two Protestant gentlemen, because we considered that they might be more beneficial, that their influence might be more beneficial, not to Roman Catholics, but to the community at large, which is a proof that we have not been influenced by any sectarian motives.

8952. Do you consider that the interests of the Roman Catholic church were concerned in returning a liberal candidate as the representative of Cashel at the last election, in preference to Mr. ———?—I consider that the Roman Catholics have no interest distinct from the interests of the community at large.

8953. Do you think then that it is the interests of the community at large to advance the interests of the Roman Catholic religion?—I consider it is the interest of the community at large to recover 2,000 acres of land, be the same more or less, attached to the borough of Cashel, which have been appropriated to private uses by a long dominant interest.

8954. Do you think then that it is the interest of the community at large to advance the interests of the Roman Catholic religion?—I think it is the interest of the community at large to promote the temporal interests of Roman Catholics.

8955. Suppose then a Roman Catholic clergyman considered that it would promote the interest of the Roman Catholic church that a certain candidate should be returned at an election, do you conceive that he would be at liberty as a Roman Catholic priest to ask a man in confession which way he voted at the election?—Certainly not; I have no second opinion on the subject; that is my opinion which I should entertain.

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8956. Your opinion I collect to be this, that it would be a violation of the duty of a Roman Catholic clergyman, as such, to ask a person in the confessional how he voted at the election?—Yes, I think so; I beg to observe with regard to the word "how," that I explained it before.

8957. For whom he voted, then?—I certainly think it is wrong; how he voted is quite a different question, I explained that very distinctly before.

8958. Are you in the habit of asking men in the confessional whether they voted according to the dictates of their consciences?—I do not think I ever asked the question, but if I were to ask it, I should not consider it to have been an irrelevant question, or to involve the violation of any principle, because it does not imply for whom he voted; he might vote contrary to the dictates of his conscience, though he voted for the candidate whom I patronize, as if he voted from temporal interests or temporal motives.

8959. Who was the other person beside Barry who you said was not his father's son?—His name was Cummins, and I gave my reason for saying so, that I had supported his father, and advanced him a considerable sum of money when he was in gaol; I spoke that only as a citizen.

8960. You have stated that you only answer for yourself personally with respect to the extent of your power at confession?—Certainly, I consider myself too humble an individual to represent the opinions of others.

8961. Is it the practice of the church of Rome that pastoral letters or other communications should be addressed to the clergy of the diocese, instructing them how far confession should be conducted, or to give any instruction on the subject?—They may be addressed.

8962. Is it the practice, can you say, of the church of Rome that pastoral letters or other communications should be addressed to the clergy of the diocese, giving them instructions how far confession should be conducted?—Such instructions may be addressed, but they cannot be contrary to the received doctrines of the church.

8963. What is the standard to determine how far your duty as confessor may extend?—I should think the council of Trent and the received canons of the church.

8964. Could you, if called on, produce the canons which would show the standard?—I could refer to them.

8965. Does not the penitent who is instructed according to the tenets of your church, consider you, when in the confessional, as endowed with divine authority to absolve from sins, which are freely and fully confessed?—I answer that in the affirmative, if the penitent have the necessary conditions.

8966. You have stated that you do not in confession make use of particular names, is it not however your duty to apply your questions to all matters having reference to the temptations by which the penitent may be assailed?—It is my duty to ask any questions which I consider to be relevant and necessary.

8967. Do you not think a person by voting in a particular way might commit a sin?—Certainly.

8968. Do you not therefore think that when he commits a sin by voting in a particular way, that your question may apply to that sin?—I have already stated that I do not feel myself bound to ask him any more than whether he has voted according to the dictates of his conscience.

8969. Do you not think that when he commits a sin by voting in a particular way that your question may apply to that sin?—His own conscience will be able to give the best response as to how he voted.

8970. If his conscience tells him that he has voted against the way that you would prescribe, will not that keep him away from confession?—Certainly not, and I will tell you why.

8971. Why not?—If he should have any delicacy in coming to me, I have clergymen in my chapel frequently from neighbouring parishes, who have no knowledge of him, and who are auxiliaries in the performance of that sacred duty, but even if he were to come to me and tell me so, I should be bound to eternal and inviolable secresy: I could make no use of the knowledge he gave me. I have met an instance of a person who preferred going to one of the parish clergy to confession, although he voted against their wishes and mine. I accordingly gave direction to one of the clergymen living with me, to call on him to appoint any time or place most convenient for the performance of that sacred duty, which he accordingly did.

8972. Do

8972. Do you think that a voter who had voted contrary to the dictates of his conscience, would be deterred from coming to the confessional, from the fear of confessing that to his spiritual instructor?—He could have no reason to be deterred from the motive I have already assigned, he might come to me or any other auxiliary clergyman; if he came to them, they may know nothing at all about his character.

8973. Are not you prohibited from asking the name of the penitent?—Positively, if I were to ask him his name, he is not bound to tell me.

8974. But may not the priest exhort them to vote for the religion of their God and their country in the confessional at any time?—I should think a clergyman has no right to mingle up the question at all with the spiritual duties before the election.

8975. But, to any time may a clergyman call on the people to vote for their religion, their God and their country in the confessional?—I should consider it improper for a clergyman irrelevantly to introduce such a subject.

8976. You state that you confine your lectures from the altar to spiritual matters on bribery, perjury, &c.; have you ever heard that letters have been published by Roman Catholic ecclesiastics, containing instructions as to the nature of a bribe, and explaining how sin could be incurred by yielding to clandestine motives, and thus making improper political conduct a sin?—I have read a letter written by a high Roman Catholic dignitary, asserting, that to take a bribe, whether directly or indirectly, is sinful.

8977. If sin is committed by such political conduct as you consider it would be committed, would you not consider it your duty to exercise your clerical functions to prevent that political sin?—If a person had voted contrary to the dictates of his conscience, and had taken a bribe directly or indirectly, as a consideration for his vote, I should feel that he commits a sin.

8978. Did any of the persons whom you canvassed vote against the wishes of their landlords?—Very many.

8979. Did the landlords hold out threats to those persons of punishment of any kind, in case they did vote against their wishes?—I have heard they did.

8980. Did these persons think that those threats would be put into execution in case they voted for the popular candidate?—It is my opinion that they did.

8981. If you have no additional power as a priest over your power as a citizen, how do you account for persons voting with you against their own interest?—I endeavour by reason and argument to convince them that they do not vote against their own interest, that their interest and the interest of the community at large are identified.

8982. Cannot you conceive it possible for any citizen, not a priest, to induce a man to vote for the general interests of his country, and not for his own individual and sordid interests?—I have already given a case, where a gentleman who was at college with me, who was a man of my own standing, who became an attorney, where he had the power of rallying the whole county of Tipperary.

8983. Should you consider it a sin in a Roman Catholic to give his support to any measure which in his opinion tended to the injury of that church and religion?—I do not consider that the interests of the Roman Catholic church can ever be incompatible with the eternal and immutable principles of truth, honour and justice.

8984. My question was, whether you considered it a sin in a Roman Catholic voter to give his support to a measure, which, either in his opinion or your opinion, tended immediately to the injury of the Roman Catholic religion?—I do not understand what you mean by injury to the Roman Catholic religion, whether you mean the temporal or spiritual interest.

8985. Supposing a voter to give his vote in favour of a measure which must loosen the permanency of the Roman Catholic religion or church?—There is an ambiguity in the terms you make use of. What some persons may consider to be contrary to the temporal interests of the Roman Catholic church, may promote the spiritual interests of the church; for example, it is a question whether the temporalities of the Roman Catholic church have ever promoted the spiritual interests of the church. A man voting against the temporal interest of the church does not necessarily vote against the religion itself. I consider the temporalities and the religion two distinct things; but as the Catholic church has no temporalities recognized by law in this country, your question must only regard the spiritual interest.

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8986. Supposing it were proposed by enactment to restrict your power and authority as a priest, in the exercise of your ecclesiastical and spiritual duties, should you consider it sin in a Roman Catholic, knowing the measure to have that effect, to give his support to that measure?—I consider such a supposition an impossibility, as it would imply a re-enactment of the penal code.

8987. Supposing it to be possible or impossible, as an illustration of a principle, should you consider such a step on the part of a Roman Catholic a sin or not?—In case such a question were mooted in the British Senate, a Roman Catholic would have as good a right of objecting to such a clause as a Protestant, and if he should consent to such a clause contrary to the dictates of his conscience, whether Catholic or Protestant, I should consider he would commit a sin; but it is an extreme case, and it is a question I could not anticipate.

8988. What I wish to ask is, whether, supposing he thought it was against his conscience, whether you would consider it a sin to give his support to such a measure, you knowing it to be injurious to your religion?—If he acts from inculpable ignorance, I consider his act may not be sinful, but I already have said that if he act against his own conscience, he sins; not because I know it to be injurious to my religion, but because, in the above supposition, he acts against the light of his own conscience.

8989. And may not extreme cases arise for which Protestants are obliged to contemplate even an extreme remedy?—Undoubtedly. I only answer that question by my assent to a general aphorism; with the application of the aphorism to the above question I have nothing to do. The general aphorism is, that in extreme cases extreme remedies may be resorted to.

8990. When you said to Cummins that he was not his father's son when he refused to vote for the popular candidate, did you mean by that that his father had preferred his conscientious principles to his temporal advantage, but that his son was about to sacrifice his opinions through the fear of temporal injury from his landlord: was that your meaning when you used that expression?—I had that meaning certainly, but I meant to convey the idea also that he was guilty of an act of ingratitude, because I supported his father against the tyranny of the landlord. I must say I thought he was guilty of an act of ingratitude, having given him money out of my own pocket to bring his father out of gaol.

8991. Did you use that expression in the light of a threat to him?—I used it rather as a strong remonstrance, and he peremptorily refused me on the occasion.

John O'Brien, Esq., called in; and Examined.

John O'Brien, Esq.

8992. I BELIEVE you are a medical gentleman?—Yes.

8993. Living in Cashel?—Yes.

8994. Do you remember the election at Cashel in January last?—I do.

8995. Who were the candidates?—Captain ——— and the present Attorney-General for Ireland, then Serjeant Perrin.

8996. Did you take an active part in that election?—I did.

8997. For whom?—For Serjeant Perrin.

8998. For the popular candidate?—Yes.

8999. Did most of the independent and wealthy inhabitants of Cashel vote for the popular candidate?—Almost all of them.

9000. Are they persons likely to be intimidated or coerced to vote contrary to their own political opinions?—They are not; not one that voted could be coerced, in my opinion.

9001. Were there any of the voters who had previously promised the anti-popular candidate, and were forced, by intimidation on the part of the friends of the popular candidate, to break that promise by intimidation?—There was no intimidation whatever on the side of the popular candidate. I believe there were two persons in Cashel who did promise the unpopular candidate, and who did not vote for him afterwards. One of them was most particularly circumstanced. Mr. ———, the barrister, was first a candidate for Cashel before Mr. ———, and he canvassed the electors for one day; and one of these two I have mentioned were persons with whom Captain ——— dealt very extensively; he was a woollen-draper; and Mrs. Captain ——— sent a message to this person stating that she did not require him to vote for Mr. ———, the barrister, and as the captain was

not a candidate he might vote for whom he pleased; and he promised us, and he kept his promise.

9002. Was Mr. M—— that you mentioned a candidate in the anti-popular interest?—Yes, and he canvassed the city one day.

9003. Do you know the parish priest of Cashel?—Very well.

9004. Is he a violent politician or otherwise?—He is not a violent, not even an active politician; he is not a political priest by any means.

9005. Does he usually busy himself much in elections?—He took no part whatever in the January election until the day of Mr. ———'s arrival.

9006. What day was that?—The 1st of January.

9007. How many days before the election?—Fourteen days.

9008. Do you recollect a meeting that took place at the commons or race-course?—I do.

9009. Was Dr. M'Donnell the parish priest there?—He was.

9010. Did you hear him address the people in favour of the popular candidate?—I did.

9011. Were you present at the entire of that address?—I was.

9012. Did that parish priest use any expressions, such as the following, "That he would deprive the voters of the rites of their religion, that he would bring the sickness upon them, that he would melt them, that the grass should grow at their doors," if they did not vote the way he wished them?—He did not, certainly; he did not use any of those expressions.

9013. Could he have used them without your hearing them?—He could not.

9014. Would the popular candidate have been returned at that election, whether the parish priest interfered or not?—He would. I should perhaps mention that before the parish priest took any part whatsoever in it, we had 140 promises out of 250, soon after we sent the requisition to Mr. ———. Mr. ———, I should beg to say, did not call upon us, we called upon him at an early period.

9015. Was there any threat or intimidation used on the part of the popular candidate or his friends, to induce any voters to vote on the popular side at that election?—No, not the slightest.

9016. Were there any threats or intimidation used on the part of the anti-popular candidate, to induce persons to vote for that candidate at that election?—There were.

9017. Can you state any instance?—Mr. William ———, the brother of the unpopular candidate, has in his possession at present a large tract of the commons lands. On his part of the commons there are 59 electors, that is, of those who were electors at the last January election; and there were six tenants also of the anti-popular candidate, and they canvassed these repeatedly.

9018. Who?—The anti-popular candidate and his friends; they occupied a house at which they treated them with whiskey; it was a kind of rendezvous, and they threatened to turn out of their houses those who did not vote for them who were tenants at will; they particularly threatened one man of the name of Halloran.

9019. What was the threat used?—That they would turn him out of his house.

9020. Have any of those threats been put into execution to your knowledge?—Immediately after the election they commenced a system of what I would call extreme hardship to the tenants; they sent four armed drivers to the commons, and kept them there off and on for nearly three months.

9021. Was this any expense to the tenants?—Wherever there was a seizure, the tenant had to pay the expenses.

9022. Was there any exclusive dealing, either threatened or put into execution, upon any shopkeeper in the town of Cashel for the unpopular candidate?—Yes, the two persons I spoke of, who promised him, and who voted afterwards against him, the custom of Mr. ———, and every one of his connexion was withdrawn.

9023. Do you imagine that those voters voted for the popular candidate in consequence of their own opinion coinciding with the political opinions of the popular candidate, or in consequence of intimidation?—I am satisfied that they voted for the popular candidate in consequence of his political opinions coinciding with theirs.

9024. Are you aware of a Protestant voter of the name of ———, having promised to vote for the popular candidate, and being obliged to break that promise?—I am aware of such a thing, he declined voting.

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9025. Why did he decline voting?—He was applied to by two clergymen of the Established Church, one an Archdeacon, requesting his interest, and putting a very strong case to him why he ought to vote for Mr. ——, and he consequently applied to me to interfere with Mr. ——, to let him off his promise, and he would not vote at all.

9026. Had it not been for the influence of the Protestant clergymen, do you believe he would have kept his promise, and voted for the popular candidate?—I am satisfied he would.

9027. Was the influence so great that it induced this man to wish to retract his promise?—He is an intimate friend, and has an agency under the Archbishop, and the Archdeacon who applied to him was the Archbishop's son-in-law; and the other clergyman who applied to him was a relative of, or connected with his wife.

9028. Do you know Dr. ———, the stipendiary magistrate at Cashel?—I do.

9029. Did he take any part in the election?—He voted for the unpopular candidate, and he attended during the election in his magisterial capacity, and seemed very anxious for the success of his friend; and on one occasion he called out the military to quell a riot, when really no riot took place.

9030. Do you know an attorney living in Cashel who acted as an agent of the unpopular candidate?—Yes.

9031. Did he use any threats to induce persons to vote for his employer?—His son is also an attorney, and was a paid agent at the election; he had two clerks who were voters, and he threatened to discharge them both unless they voted with him.

9032. Did they vote with him?—They voted for the popular candidate, and he did discharge them.

9033. There were a few persons, you admit, who did change their intentions who reside in Cashel?—Only the two I have mentioned in the town.

9034. But there were others about to do it on the commons?—On the commons, I believe, several gave indirect or evasive promises.

9035. Do you speak positively, or as to your own opinion as to the threats?—I believe they did; I will tell you a circumstance under which they did. Many of them are tenants at will; thirty of them had been served with notice to quit the September before the election; these men were of course very differently circumstanced. The quarter sessions were to intervene between the time of their being canvassed and the day of the election, and they feared, if they gave positive refusals, that they would be processed and decreed, and perhaps put out of the way of voting at the election.

9036. Was there not a considerable state of excitement in the town previous to and during the election?—Perhaps there was less excitement than at any other election in the kingdom. It was our wish, and it was our interest, to keep peace and order, for we were perfectly certain that there was no chance to succeed against us, unless from some misconduct of our own.

9037. With respect to the expressions stated to have been made use of by the parish priest, might he not use them without your hearing them?—It is quite impossible; I accompanied him to the commons, and stood on the table with him.

9038. Were you present at every address he made to the people?—I was; there was not an elector canvassed that I was not present at.

9039. And at his general harangues were you present also?—I was; he never harangued them except on the two occasions.

9040. You said, there was no intimidation on the part of the popular candidate or his friends; are you aware that any person has been injured by the popular candidate or his friends since the election, for having voted for the anti-popular candidate?—Not a single case; there has been perfect good feeling since that.

9041. There was a rumour, that the parish priest had said a cross should be affixed to the doors of two bakers if they did not vote for the popular candidate; and that, in consequence of that, they have suffered injury. Do you believe such a threat was used, or have they suffered any injury in consequence?—I am quite satisfied there was no such threat used; and I am quite satisfied that no person has been injured in trade.

9042. Were there not windows broken?—We had illuminations on the night the election terminated, and those who voted for the unpopular candidate did not illuminate;

illuminate; but there was not a single pane of glass broken. I should state, as a fact, that it was only by intimidation, undue influence, and a system of bullying, that the opposite party could have had the least chance of success. *John O'Brien*, Esq. 17 July 1835.

9043. Do you know any thing of Clonmel?—I do.

9044. You have stated that there are certain facts which you have heard, and which you believe relating to the last election at Clonmel, upon which you can give evidence to the Committee; now before you give evidence as to those facts, we wish to be informed what the nature of the evidence is upon which your belief is founded?—Cashel is only twelve miles distant from Clonmel, I am constantly in the habit of going there, and I am acquainted with a great many of the people there.

9045. Have those facts been communicated to you by trustworthy persons, persons whom you are in the habit of believing upon their assertion in ordinary transactions, and have they been communicated to you by those persons, as being within their knowledge?—They have been communicated to me by trustworthy persons, and as facts within their own knowledge. One particular fact was the case of a miller who was turned out of employment for having voted for the popular candidate. I have heard and believe that there was an extensive system of persecution carried on by the unsuccessful candidate and his friends. I have heard and believe, and it is the general prevailing belief in my part of the country, that the election of 1832 did not cost the successful candidate a shilling, and it cost the unsuccessful candidate a large amount; I have heard 4,000 *l.* I should mention with regard to Cashel, that the election of Cashel cost Mr. ———, the successful candidate, 5 *l.* 12 *s.*

9046. Was there any subscription?—I suppose the cost for printing, and messengers, and watchmen, was something under 40 *l.*

9047. Was that defrayed by subscription?—Yes.

9048. That was the total amount of the expense?—Yes; and it cost the opposite party 600 *l.*

9049. On what authority do you speak of that?—On the authority of their agent. I made a charge on him of persecuting the tenants, (he is a good-natured, sensible man, and has acted kindly since the election); and he said it cost the unsuccessful candidate 600 *l.*

9050. Did he allege that as a reason why he was forcing the tenants to pay their rents?—Yes; he alleged that as a reason, why the unsuccessful candidate and his brother were forcing the tenants to pay their rents. There is a circumstance which it is necessary for me to explain, with regard to what is called the breaking of the promises of the tenants on the commons. For some weeks before Mr. ———'s arrival in Cashel, Mr. ———, the other candidate and his friends, were canvassing, and we found that they had made use of the names of respectable persons in Cashel to endeavour to induce persons to act as they did; they stated that some of the most influential persons in Cashel had promised them, and they mentioned the parish priest as their friend. We told them (the electors on the commons) that promises made under false representations were not binding.

9051. Do you believe that those men who so voted for the popular candidate voted in accordance with their own political opinions?—I am satisfied they did, and of the 58 who voted for the unpopular candidate, I am satisfied that the majority would not have voted for him if they thought their votes would have returned him.

9052. Do you mean that their political opinions were really adverse to those of the unpopular candidate?—The political opinions of the majority, or at least a moiety of them.

Lunæ, 20° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

George Ticknor, Esq., called in; and Examined. *George Ticknor*, Esq. 20 July 1835.

9053. IN what part of the United States do you reside?—In Boston.

9054. How long have you resided there?—All my life.

9055. You are now travelling?—I have been absent from the United States for two months; I have always lived, except occasional absences, at Boston; I have never been domiciled any where else.

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9056. Do you hold any official situation in the state of Massachusetts?—None.

9057. Have you turned your attention at all to the system of election, and more particularly to the mode of taking votes in the Boston elections?—No otherwise than as every citizen does.

9058. Will you be good enough to describe the mode in which votes are taken for the members of the Legislature?—All votes are taken in one way. The city, which consists of 60 or 70,000 inhabitants, is divided into 12 wards; each ward has its separate voting place; citizens, when they vote, pass in at a door in the building where the polling is held, and there is sometimes a considerable crowd about the door, but the passage is always kept clear by the police officers. Votes are offered to the persons as they pass in by the partisans, who thrust them into their hands; after they have entered the building they pass into the room, which is always quiet; in that room the warden presides, assisted by the inspectors, who have the registers of the voters in their hands, and the clerk or the officers of the ward, one or more of them, hold the ballot-box; the person voting presents himself to the inspectors, who are usually persons of different parties; he announces his name; the inspectors see whether his name is on the list, and if his name be not on the list he does not vote; if his name is on the list it is checked, and he then deposits his vote in the ballot-box, and then usually passes out of the room; he may stay and see other persons vote if he chooses; but there is commonly no sufficient motive for the loss of time.

9059. Does he deposit it folded into the ballot-box?—As he pleases; if any question arises as to whether he had one or two ballots, he is obliged to hold up his vote and show that he gives but one.

9060. The vote is put in by himself and not by the inspector?—By himself.

9061. Is it the general practice that voters deposit their papers in the balloting-box folded?—I think not.

9062. Then is it practically the case that the inspectors or the persons standing round can see for whom each voter votes?—In general they can see.

9063. But if a man pleases, he may fold his paper and put it in in that state into the box?—He may.

9064. Papers you say are delivered by different parties before they enter the door of the building?—Anxious partisans and committee-men thrust out votes to the voters as they come in, soliciting them to vote for their candidates.

9065. Those papers contain the names of the candidates for whom they wish you to vote?—Yes.

9066. Are those differently coloured papers?—I do not recollect any instance of their being of different colours; but in many instances they have large insignia of the parties, and engravings printed at the head, so that it is easy to distinguish.

9067. Is the vote of such a kind as that you can see for whom the voter votes even when it is folded?—I think not.

9068. There is no official preparation of the names of candidates at all; the names of the candidates for whom votes are to be taken are printed always by the more interested themselves, are they?—Entirely, and every person puts in a printed or a written vote at his pleasure; he puts in any piece of paper that he chooses, containing the name of the candidate.

9069. The voter's name is not signed to the paper which he puts in?—Never.

9070. Supposing a man were to sign his voting paper, would it vitiate his vote, or produce any effect at all?—Not at all; that is, if he signed his vote, so that it was apparent that he meant to sign it; if it were done in a clumsy way, so that it might be thought that he meant to vote for himself, confusion might arise, but nobody signs his vote in point of fact.

9071. How are the inspectors chosen?—By the citizens of the ward annually for all elections that may occur during that year.

9072. How many inspectors are there?—I think four in each ward, but I am not certain.

9073. Have you ever taken part in the preliminary committees which have espoused the cause of the various candidates?—Never.

9074. Have you ever taken part in any canvassing parties?—Never; I have never been a political man in the practical sense of the word whatever, any further than as a citizen necessarily is.

9075. Does the system of voting by ballot give general satisfaction in Boston, and in the state of Massachusetts?—I never heard it called in question there; I think

think it is an institution that it would be as difficult to overturn with us, as it would be to overturn the trial by jury.

9076. The feeling with respect to the ballot is that it is preferable votes should be taken in a secret way rather than that they should be taken in an open way?—I think the ballot is used by us as a matter of convenience, few or no persons caring to conceal their votes.

9077. But suppose a person wishes to conceal his vote, the ballot affords him the means of doing so?—It affords him at least entire protection.

9078. If a man is so placed that it is painful to him, from private considerations, to declare the party for whom he votes, the ballot affords him the means of voting without any public proclamation?—It does.

9079. Is the ballot considered among you as a safeguard against bribery?—I should think that an instance of bribery in New England could hardly be fastened upon an individual; it does not occur as a practical question whether it be a means of protection against bribery or not.

9080. Is it considered a means of softening the violence of opposing parties at the election?—I think it has scarcely been considered by us in that light; it is considered as a matter of convenience, as the shortest way of getting through an election; we do it as a more business-like proceeding entirely.

9081. Do such things ever occur within your knowledge as the threatening tradesmen or persons in dependent situations in case they refuse to vote as certain persons require them?—I should think never; perhaps I can here state my opinion better upon that subject by mentioning two facts which have occurred to my recollection since I was desired to come before the Committee. A gentleman in New Hampshire, whom I mention on this occasion, because at the time of which I speak he had probably as much political influence as any man in New Hampshire, and because he was as much interested in politics as any man in New Hampshire, and was at one time a member of the Senate of the United States; he related to me the fact not long before I left home, so that it is quite fresh in my memory: a confidential servant who had lived with him for many years was desired by him to attend at a certain election and vote; it was the only occasion on which this gentleman ever interested himself to procure the attendance of one of his servants to vote; he spoke to the servant on the morning of the election, and asked him to go down; the servant replied that he had not intended to vote at that election; that he cared nothing about it, but that he had now lived with this gentleman many years, was very much attached to him, and had great reason to be attached to him, and therefore he ought to tell him frankly, that if he were to go down to the poll, he should vote against him and his friends as he always had done. I mention this entire frankness on the part of the servant, because it shows that the servant felt that that sort of frankness would not interfere with the relation that subsisted between himself and his master.

9082. Was this servant a white or a black?—A white. The other case that I was going to mention was that of a black, and I thought might be appropriate to the purpose of the Committee, because his master was a man of as large personal fortune as probably any gentleman in New England. On the morning of an important election, when he and his friends were very anxious in a sharply contested election to elect their candidate, the wife of this gentleman told him that she would save him one vote that day, for that one of her servants, a black man, who she knew would vote against him, because he had formerly lived with the opposing candidate, and was quite fond of him, should be occupied that forenoon, so that he should not be able to go to the poll; the gentleman smiled, and said very little about it, but had occasion to be absent from home; when he came back to dinner, his wife told him that she had employed that servant in bottling wine the whole forenoon in the cellar, so that he should not be able to go to the poll; he said he thought it was very ingenious, but was doubtful whether she had succeeded. They sat down to table at dinner, and this servant occupied his usual place behind his mistress's chair; the gentleman said to his servant, "Well, Scipio, whom did you vote for to-day?" "I voted for Massa so and so; I like Massa so and so very well; I used to live with him; he was very good to me." "But," said his mistress to him, "I told you to bottle the wine this forenoon." He said, "Yes, Ma'am, I bottled the wine, but there were not corks enough, and I went to Massa so and so for corks, and he lives close by the poll, and while he counted the corks, you know, I went in and voted." I mention both these facts, because they are as strong, probably, as could be afforded, under any circumstances, to prove that one individual does not by wealth or power

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directly influence the vote of another. In the case of those persons, though as dependent as any one is with us, one upon a person of the very highest political consideration, and the other of the very highest consideration for his fortune, the gentleman had no sort of influence upon two servants living in their family.

9083. Neither of those servants was discharged in consequence of acting in the manner you have described?—Of course not; the political man would never have ceased to be reproached with it, if he had done it.

9084. Do you think that it entered into the thoughts of the master in either case to feel any offence against his servant?—No, I am sure it did not, for I have heard them tell the stories to my great satisfaction and amusement; it is from themselves I heard it.

9085. The remarkable fact in the story of the black being, rather the ingenuity with which he evaded the mistress's trap than the fact of the master having retained him?—The remarkable fact is the entire frankness with which he told the truth of his having voted as he did; he was aware that he had outwitted his mistress, and was very willing to tell her so.

9086. There have not been any strongly contested elections in Boston lately, have there?—Not for the city officers, but for the state officers; there was also a sharp contest in the last election of president; but when the question is wholly municipal, such as the representative of Congress is, it would not be strongly contested between the parties, because one of the parties is so small there.

9087. In reference to the elections in which the Jackson party and the anti-Jackson party were more nearly balanced, was there not considerable excitement and strong manifestations of political feeling in the late contests?—I should think so; but there has been nothing to prevent a person passing in to vote as easily as he would pass into this room and out again.

9088. But are you of opinion, with that state of feeling, that the election could have been conducted with the same order and propriety if the votes had been taken *vivâ voce?*—Clearly not with us.

9089. Have you ever observed yourself the manner of conducting elections in those states of the Union where the votes are taken *vivâ voce?*—I never have.

9090. The ballot now forms an integral part of the constitution of Massachusetts?—It always has done; I apprehend the ballot has been used in Massachusetts since an early period after the formation of the colony.

9091. As well for the election of municipal officers as for the election of members of Congress?—We use the ballot as a matter of convenience upon all occasions where it can appropriately be used, and it has existed from the early times of the commonwealth; we look upon it practically as a business affair.

9092. There are no great motives to secresy as regards the voters?—Very few indeed in our part of the United States, and I should think it might be stated generally that we value the ballot very much, because we think we could fall back upon it, or that an individual could fall back upon it, with perfect security for his own protection, if it were necessary, but the need of that protection is hardly known.

9093. The confidence of having that to fall back upon prevents the very evil from occurring to which the non-existence of the ballot might give rise?—It might prevent it if there were any danger of its occurring, but our remedy in this case seems to be beyond the law and above the law, that is, in the state of public opinion; for if a man were to be known to interfere with a dependent, even in such common modes of persuasion as would be allowable between equals, it would be so discreditable to him that he would be punished for it by the force of public opinion.

9094. Did you ever hear of such a thing as a man withdrawing his custom from a tradesman in consequence of that tradesman not voting in a particular way?—Never.

9095. If such a thing did occur in Boston and were related, it would create a great sensation?—I think it would be noticed in the newspapers, and that the person would suffer for it.

9096. Or a mortgagee threatening to call in his money, if the person did not vote to suit him?—That would be more offensive.

9097. The gentlemen of the law have great influence in the Union generally; did you ever know such a thing as an attorney interfering with the vote of his client or exercising any influence over him?—No; I think the interference would be much more likely to come the other way, if it did come at all.

9098. Your observations of the ballot apply to Connecticut and New Hampshire?—I suppose they would apply equally there.

9099. The

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9099. The suffrage is very large and extensive in Massachusetts, is it not?— Substantially universal; all but paupers vote.

9100. Did you ever hear of any occurrence of bribery in any part of the United States?—I have heard of them, but I never heard of one in the United States in an unquestionable shape. I came nearest to it since I have been in London.

9101. You never heard one well authenticated instance at home?—No.

9102. Is it an offence?—Yes.

9103. And you never knew a conviction for it?—No.

9104. Are there any such cases as disputed returns in the state elections in Massachusetts?—Yes.

9105. Have you been conversant with them at all?—No. I should rather not be questioned about them at all; they belong to the committees of the Legislature, of which I know very little.

9106. Bribery would be a ground of avoiding an election?—Undoubtedly.

9107. What are the usual grounds stated in the disputed returns?—Informalities in the returns and clerical errors. I should think 90 cases out of 100 were of that kind.

9108. Partiality in the returning officers?—I will not be certain of that. I have not heard of an instance of that kind, but neither will I be certain that I have.

9109. Have the comparative advantages of open and secret voting ever formed a subject of discussion in the newspapers in Boston to your knowledge?—No.

9110. Does the superiority of the ballot seem to be a conceded point?—I think so; but a very different opinion prevails in some of the southern states, I have no doubt.

9111. It is a point that has been very much contested in Virginia, has it not?—I am not aware whether it has been discussed there, but they have the open ballot there, and are very much attached to it. I think in all the slave-holding states they are very much attached to it.

9112. Do they employ the same mode of voting in the municipal elections in every township in Massachusetts?—They are required by the constitution in all elections relating to the officers of the commonwealth; but I apprehend that nearly every person elected to any office, however inconsiderable or temporary, is elected by ballot in New England, as a convenient mode of doing it. I do not know how far the requisition of the law goes, but in practice it is almost universal.

9113. In private institutions, such as clubs, secret ballot prevails?—It is the case. They choose directors to a hospital, &c. by ballot.

9114. Have you ever known such things as riots during an election in Boston?—Never. At the time the elections were held for the whole city in one place they were more noisy and troublesome, and that was one reason why the city was divided into wards. When they were held in one place, and thousands of people around you, they were sometimes noisy and sometimes vociferous, but not so as to prevent voting.

9115. In the majority of instances is it known how the voters vote?—I should think any body, who had curiosity, might ascertain how most persons vote, because no person cares to conceal his vote, there being so little motive for secresy.

9116. In the present state of feeling in the United States, it is your opinion that, as far as the intimidation of the voter goes, public opinion would serve instead of the protection of the ballot-box?—I think it does. In New England people do not need the protection of the ballot-box, and therefore they do not use it; but if we did need it, I think we should use it.

9117. It prevents the very occurrence of intimidation, as you have the remedy in your own hands to recur to, namely, the ballot?—I do not know that, but I think it would prove so.

9118. Suppose it were seen that any man were not disposed to tell for whom he voted, would it not be regarded as an indecorous thing to pry into the way he had voted?—It would depend altogether upon the class of persons to whom you refer. If it were persons of any consideration and respectability in society, I think they would be treated as one gentleman would treat another. If it were one servant and another servant, I think they might banter one another and vex one another very much about it, from want of proper feeling.

9119. What are the means taken, in the election of members of Congress, by one party in order to forward the success of the candidate whose cause it espouses?—The great difficulty each party supposes it has to contend with is to get out its own

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own voters, and persuade them to come to the poll, and the means are constantly directed to overcome that difficulty, and to rally the party. If a party is beaten, it is always pretty sure to say that it is because its own friends did not come out, and they believe it sincerely in a great many instances.

9120. What are the means used to overcome these difficulties?—To send round hand-bills to the door of every householder and beg him to come, warning him that it is a matter of great consequence, having meetings to excite public feeling, &c. &c.

9121. How is the expense of this excitement met?—That is always done by private subscription among the more interested partisans.

9122. Does the candidate himself defray the expense?—Never. The expense is small, and the amount easily raised.

9123. No candidate ever canvasses?—Never, in New England.

9124. Would it not be considered discreditable to him if he did?—Yes.

9125. And injure his chance of success?—Yes.

Mr. *John Hamilton*, called in; and Examined.

Mr. *John Hamilton*.

9126. YOU are a bookseller in Youghall?—Yes.

9127. Have you taken any part at any of the elections for the town of Youghall?—No.

9128. Have you ever voted?—No.

9129. Have you a vote?—I have.

9130. What were your reasons for not voting?—I did not fully approve of either of the candidates, or their principles; that was the reason.

9131. Who were the two candidates?—Mr. Smith and John O'Connell.

9132. Were you solicited by either or both candidates to vote?—I was warmly solicited by Mr. Smith's partisans.

9133. What was the degree of warmth?—A great many people waited on me, ladies, and others of the first respectability in the neighbourhood.

9134. Did they hint any thing, directly or indirectly, as to what would be the consequences of your not voting?—They did.

9135. Who did?—There was John ——— sent down from the committee to say that, if I did not vote, I would be ruined in my business, and that another person would be set up in opposition.

9136. Whose authority did he quote for sending you this message?—The committee's, he came down from the committee.

9137. What was that committee composed of?—Gentlemen in the town, his friends.

9138. Was it composed very much of your customers?—It was entirely, I believe; in fact, I had been the only person in that business in the town for 20 years.

9139. What answer did you give to Mr. ———?—He was told I could not come forward consistently with my principles, whatever the result might be.

9140. You are a Dissenter?—Yes.

9141. You refused to vote at all?—Yes.

9142. Were you afterwards solicited by Mr. O'Connell's party?—I was not, because they knew my principles; they said that if I did not vote against them, they were quite satisfied.

9143. Had you many customers among Mr. O'Connell's party?—I have more now than I had before, I had not many then.

9144. Are you a Presbyterian?—No; I am a Baptist.

9145. In consequence of your not voting, has any custom been withdrawn from you?—Almost entirely.

9146. Who have withdrawn their custom?—All the Conservative party in Youghall; there are very few of my Protestant customers remain.

9147. How many persons can you state to have withdrawn their custom from you in consequence of your not voting?—I could not say the number, but all people in the town and neighbourhood of that party.

9148. Have you a list of those?—No; but I have some documents that were sent me by some of the principal people, saying that they would deal no more.

[*The Witness delivered in the same, which were read, as follows:*]

"The list of the House of Commons not being in this Almanack, it will not do for Mrs. ———, so she returns it; and begs Mr. Hamilton will send her in her account, as she does not intend taking any more periodicals from him."

"Mrs. ———

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" Mrs. ——— sends Mr. Hamilton the amount of her account; if he has got Paxton for December, she, of course, will take it, but in future she will get that and Rennie's, and any other things she may want in his line from Mr. Barry. Drew in Cork, January 19th, 1835." Mr. *John Hamilt* 20 July 1835

" Mr. ——— returns Mr. Hamilton the magazines he last got from him, having found them faulty in many respects, neither will he require any more in future."

9149. Have you any more communications of the same sort?—Not written; but I had a great number of verbal messages.

9150. Did you receive those communications immediately after the election?—Yes.

9151. Were the copies that you sent imperfect as is alleged?—No, it is necessary to state with regard to that, to show that they were not imperfect, that I sold them a week after that in the regular way of business, and there was no fault found with them.

9152. Those magazines that are referred to in one of the letters you had been in the habit of supplying?—Yes, Chambers' Journal and some other magazines.

9153. And no fault had been found before?—No.

9154. Have you any doubt that it was in consequence of the part you took in the election, that the supplying the magazines was withdrawn from you?—I have not the least doubt that that was the reason.

9155. Were many of those verbal communications made to you to the same effect?—A great many.

9156. How many should you think?—I should suppose some dozens.

9157. Have you the name of the parties?—I have not.

9158. Are they principally Catholic or Protestant customers who have withdrawn their custom?—Principally Protestant; my business chiefly lay among the Protestants.

9159. Did any of those customers that continued to deal with you, inform you that they had been solicited to withdraw dealing from you?—They did frequently.

9160. Can you give any instance of the kind?—Yes, I could refer to some who have told me that they were repeatedly requested to withdraw their custom.

9161. Had you a stock in hand intended for that class of persons?—Yes.

9162. Of what description?—Principally Protestant books, that could be sold only among a certain class.

9163. Do you expect that you will sustain a considerable loss from having to dispose of this stock?—Yes.

9164. Is Mr. John ———, the treasurer of the corporation of Youghall?—He was at that time.

9165. Did he take any part against you in consequence of what you had done at the election?—A very active part.

9166. What did he do?—He declared in my shop—I did not hear it; but I am fully confident of the truth of it; my son who is here could state it.

Mr. *George Hamilton*, called in; and Examined.

9167. WHAT did you hear Mr. John ———, who was treasurer of the corporation, state in your father's shop?—I heard him state, that since he would not vote after being told the reason of his not voting, he never would take a shilling's worth of goods himself, and that he would never deal with him again, or allow any body else that he could prevent, and that he would do all in his power to injure him. Mr. *Geo. Hamilt*

9168. *To Mr. John Hamilton.*] Did he carry his threats into execution?—He did.

9169. In what way?—In every possible way that he could; the greatest part of the customers withdrew; and it was principally through his influence, I have no doubt.

9170. Did any of your former customers tell you that Mr. ——— had used his influence with them to injure you in your business?—No, they did not absolutely tell me so; they told me that they were solicited, but they did not say by whom, and I did not ask; I thought it rather indelicate to ask that.

9171. Is Mr. ——— a man of influence?—Yes.

9172. Is he supposed to be a wealthy man?—Yes, he is considerably wealthy.

9173. He lives in a respectable station in life?—Yes.

9174. Had you an account with the corporation previous to this election?—Yes, and had been in the habit of supplying them with stationery for 10 or 15 years.

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9175. You supplied him also on his private account?—Yes.

9176. Did he close the corporation account?—It was not he who closed it; but it was partly through his influence, I have no doubt.

9177. Was there any establishment in bookselling on a par with yours in Youghall previous to this?—No.

9178. Did they carry their threats into execution, and set up a shop as a rival to yours?—They did.

9179. Did the corporation transfer their business from your shop to that of the rival shop?—They did.

9180. How long was this after the election?—Perhaps about two months after the election.

9181. Did they ever assign any reason why they transferred their business?—They have in a general way assigned a reason, that it was on account of my not voting.

9182. You do not mean that the corporation, as a corporation, assigned a reason?—No, I do not think they did.

9183. Did any individuals belonging to the corporation give you any hint, that it was on account of the part you took in the election that their business was removed from your shop?—I really cannot recollect that they did, though we knew the reason very well.

9184. Was any reason assigned by any person connected with the corporation why the corporation business was taken away from you?—I do not know that there was.—[*George Hamilton.*]—There was one by one of the freemen; I heard him say that it was partly through the influence of one of the bailiffs that the corporation account was removed; that the mayor told him so, because the bailiff's brother is the man that has been set up in the new bookselling establishment, and the person that told me so is Mr. ———

9185. Is he a member of the corporation?—He is freeman at large of the corporation.

9186. Who is Mr. ———?—[*John Hamilton.*]—Adjutant of the 70th regiment, lying in Youghall at present.

9187. Had he an account with you?—He had.

9188. Of stationery for the regiment?—Yes.—[*George Hamilton.*]—He kept an account of all the things he had, and settled them occasionally.

9189. For the use of the regiment?—Yes, I believe so.

9190. Was that account closed?—[*John Hamilton.*]—It was, immediately on the close of the election.

9191. Did he state any reason why the account was closed?—No, I do not think he did as far as I am aware, but we supposed that it was secret influence, the influence of John ———.

9192. The treasurer of the corporation?—Yes.

9193. Has he, since his withdrawing his account, returned to your shop?—No.

9194. Does he do business with the rival establishment?—Yes, I believe he does.

9195. Is Captain ——— the churchwarden of Youghall?—He is at present.

9196. Did he deal with you before?—He did.

9197. On account of the parish or on his own account?—On his own account.

9198. Did he withdraw the account?—He did.

9199. Did he take any step which convinced you that he was angry with you on account of the part that you took in the election?—Yes; he was very angry, and said that he would never darken the door again, that he would never enter the shop.

9200. Did he come into your shop to collect parish rates?—He did not.

9201. Why?—I suppose on account of his promise.

9202. Did he come to the outside of the door?—He did, and had me called out into the hall.

9203. Did the liberal party have recourse to any measures of the same kind, in withdrawing their custom from persons of the Conservative interest?—They did for a few months after the election.

9204. Since the ferment of the election has gone by, have they continued their test of exclusive dealing?—No, in a great measure it is given up on their sides.—[*George Hamilton.*]—In as far as the shops that had been particularly marked at the time have been since the election thronged as much as ever.

9205. Have

9205. Have any of the parties who withdrew their custom from you shortly after the election returned to you since?—[*John Hamilton.*]—Not a single individual.

9206. It is stated in one of the notes sent to you, that some of the goods you had delivered previous to the election were returned upon your hands by the buyer?—Yes.

9207. Did this happen in more than one instance?—Only in two instances.—[*George Hamilton.*]—In three instances; two persisted, and one took it back because we persisted; the reason they gave was that there was no list of ministers; we convinced them that no list could have it, and we referred them to the note, which said when a new ministry was chosen he would publish it gratis, and on that showing they could not but take it, but they never have had any thing since.

9208. Did you take an active part in the election?—No.

9209. *To John Hamilton.*]—Did you take any part?—No, I did not vote at all.

9210. Did you ask any one else to vote?—No.

9211. Do you know of any tradesmen besides yourself who have been treated in the same way by the Conservative party?—Yes, I have heard of one or two; there is Ward, a watchmaker, for one; his business has nearly gone since.

9212. And they have not returned to him?—I believe not, but they seem to make a particular point of me more than any since.

9213. Can you imagine any cause why they have particularly borne hard upon you?—The only cause I can assign is, that they thought I was completely in their power, and that they would compel me to leave the town; there are Quakers who stood aloof, and they have made no attempt upon them, because their business was principally among the country people, and they knew it was useless.

9214. How long have you carried on business at Youghall?—Above 20 years.

9215. Did Ward, the watchmaker, take any part in the election, or did he decline voting?—He voted on the other side.

9216. What is the name of the new stationer set up?—Purdon.

9217. Do many persons belonging to the liberal party deal with him?—No, I should think very few.—[Mr. *George Hamilton.*]—It is not natural to suppose so; it is since the election that he has been set up, within a week of the election.

9218. Has there been any reduction in the price of the articles of stationery in Youghall since there were two rival shops.—[Mr. *John Hamilton.*]—I do not think there has been; we were very low before.

9219. He has not brought down the price?—No.

9220. You have stated that several of the customers of the liberal side have returned to deal with shops which were strongly marked, are those shops reckoned to be the shops which supply the best articles of the kind in which they deal?—I do not know that they are particularly good, or better articles than other shops.

9221. What reason do you suppose existed for those liberal customers, after having taken away their business from the liberal shopkeepers, to whom they had gone, to return to the persons whom they had formerly employed?—I cannot exactly say.—[Mr. *George Hamilton.*]—They were displeased with them for the time for voting contrary to the liberal members, as they conceived they had some claim upon them, as they were shopkeepers that did business with their party.

9222. But having employed a liberal shopkeeper, would not the same reason induce them to remain there?—[Mr. *John Hamilton.*]—They thought good to give up the exclusive business, they saw the folly of it.

9223. They thought it better to go to the shop where they could get the best articles, without reference to the political principles of the party who sold them?—Yes.

9224. Might not the same reasons have applied to the parties who went to Mr. Purdon's shop?—They might, but I think hardly any persons will say that the things are sold cheaper in his place than in mine.

9225. Or that his articles are superior in quality?—No.

9226. Do you think it is for the purpose of getting a better article, or for the purpose of conciliation, that they have returned to deal with their friends?—I think it is for the purpose of conciliation.

9227. During the election, was any intimidation exercised by the popular side upon any of the dealers?—I think there was.

9228. In what way?—Threatening to withdraw their custom.

9229. What class of tradesmen were those that were intimidated?—Shopkeepers, grocers.

9230. Spirit-dealers?—Yes, spirit-dealers.

9231. On

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9231. On both sides it took place?—It was carried on on both sides for I suppose a month, but the other party have in a measure given it up.

9232. What do you mean by shops being "strongly marked?"—Marked, as not to deal there.

9233. How is any notice given?—I do not know.—[Mr. *George Hamilton.*]—Those shopkeepers that had taken an active part on the Conservative side, they took more notice of them for the time being.

9234. Is much desire expressed for voting secretly by ballot on the part of persons like yourself, who have suffered in consequence of the part they took in the election?—[Mr. *John Hamilton.*]—Yes, I think a great many would be anxious for it.

9235. But in your case the ballot would not afford any protection, seeing that you did not vote at all?—No, it would not.

9236. Who is John ——— ?—He is a printer in Youghall.

9237. Was it you or your son who received this message from the committee from the mouth of John Lindsay?—It was my son.

9238. *To Mr. George Hamilton.*]—You heard Mr. ——— say that an opposition shop would be got up if your father did not vote as the committee wished?—Yes.

9239. Were you in your father's shop when Colonel ——— and Captain ——— came there to know if your father would vote?—I was.

9240. Were they electors?—They were electors.

9241. Are they gentlemen who live in the neighbourhood?—They live in the town.

9242. What did you tell them?—I told them the reason of his not voting was on account of his principles, that he could not conscientiously come forward to support the Conservative candidate; at the same time he did not intend to vote at all, as he did not altogether approve of the other, and he wished to remain neuter.

9243. What did Mr. ——— tell you?—He told me Colonel ——— had the names of 100 gentlemen in his pocket, that they were pledged to withdraw all support from our establishment; that it would be a most serious injury to him. I made some remark that we could not help that; that he was resolved not to vote at all.

9244. Had they any account at your shop?—Yes, and quickly closed it afterwards. Colonel ——— told me immediately to make out his account.

9245. Did Miss ——— call at your father's shop?—No. I was passing in the street, and she raised up the window, and called aloud to me to know if my father would vote, and I told her that I believed he would not vote; and she told me, that all her dealings and that of the family was at an end, that they would never deal again with us.

9246. Has she endeavoured to use any influence to prevent others from entering your father's shop?—Yes, I have seen her reasoning with a lady outside on the impropriety of coming to our shop at all, acting as my father had done.

9247. Has the Rev. John —— said any thing in your father's shop about dealing with your father?—He did at the time of the election, within a day or two of its close; he came down in a very angry way, and was displeased that my father did not vote; and rather than deal with him he said he would go to any Catholic in the town, and I explained to him as well as I could, the reasons of his declining to vote.

9248. Did he withdraw his custom?—Yes, he had occasionally before got things from us.

9249. When he said this, did he come to buy any thing in the shop, or to tell you his mind?—No, he came in to know whether my father would vote; it was on the subject of the election that he came, though he had no vote himself, but being in the town at the time; he was not an elector.

9250. Are there a great many Catholics in the town of Youghall?—Yes.

9251. The body of the population is Catholic?—Yes.

9252. And the gentlemen who took part with Mr. Smith were principally Protestants?—Entirely.

9253. What was the number at the election for Mr. Smith and Mr. John O'Connell?—I cannot remember the numbers; there were about three hundred altogether.

9254. Was it a large majority?—I think it was seven.

9255. Is there any other matter that you wish to state to the Committee?—I am not aware of any thing else.

9256. Did

Mr. *John Hamilton* and Mr. *Geo. Hamilton*

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9256. Did any bribery prevail?—Yes, it is currently reported, to a considerable amount.

9257. To whom do the houses in the town of Youghall principally belong?—The Duke of Devonshire owns a good deal.

9258. The Duke took no part in the election?—[Mr. *John Hamilton.*]—No.

9259. Did any of the landlords take any strong part during the election?—Not to my knowledge.

9260. Were any tenants threatened to be turned out of their houses?—Not to my knowledge; there was a message sent from my landlord, saying, that it would greatly oblige my landlord, Mr. Hyde, if I would vote.

9261. Did your landlord, Mr. Hyde, desire you to vote for Mr. Smith?—Yes, if I possibly could.

9262. He did not threaten you?—No; I said I paid my rent to Mr. Hyde, and I was under no obligation to him.

9263. Have you a lease of your house?—Yes.

9264. Is Mr. Hyde the landlord of other houses in the town of Youghall as well as yours?—Yes.

9265. Did he ask his other tenants to vote?—I am not aware.

Jovis, 23° die Julii, 1835.

GEORGE GROTE, ESQUIRE, IN THE CHAIR.

Monsieur *Adolphe Thibaudeau*, called in; and Examined.

Monsieur *Adolphe Thibaudeau*

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9266. YOU have had considerable practical knowledge of the mode of conducting elections in France?—Yes, I have. I was myself a voter during eight years.

9267. Have you not also been a candidate at various elections?—I was three times a candidate.

9268. In what parts of France were you a candidate?—I was a candidate once at Melun, and once at Niort, and once at Sceaux.

9269. All those three times were since the Revolution of 1830?—They were.

9270. Where are you a voter?—I was a voter the first time in Paris, because my domicile was at that time in Paris; but since I became a voter in St. Denis, an arrondissement near Paris,—at that time Sceaux and St. Denis were together, but since that time they have been made separate arrondissements.

9271. Is there any difference in the mode of conducting elections, as far as regards secresy of voting in Paris, and in the country districts?—It is quite the same. The requirements of the law are the same, and the habits of the people also.

9272. Is the mode of taking the votes practically such as to make the vote which each individual elector gives, a perfect secret to every body except himself?—Yes; but I must also remark at the time of the Restoration, the Government took a great share in the election; and by the nomination of the president of the Electoral College, they had great influence during the election. And sometimes the opposition party contended that the president might know the vote of the voters, by the disposition of the table where the voters are writing. I may give an instance, which is perhaps known, which is very remarkable, of Baron Louis, who was a Minister of State; and in an election at Paris, under the Restoration, he was sitting behind the president of the election to look at the tickets, because it was to be feared that the president might read another name than the name really upon the ticket; and Baron Louis lost his employment as Minister of State for that simple fact.

9273. In what year was that?—I do not remember the exact year, but I believe it was in 1817 or 1818; but now these things are not to be feared. At this time the opposition party took every means to secure the secresy of the vote of the independent voter, by putting a screen before him. Formerly there was always a struggle between the opposition party and the president of the bureau for this

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purpose; but now that is not the case, because the president is named by the voters themselves.

9274. Can it be known by the Government upon any other evidence than that of the voter himself, how he intends to vote, or how he has actually voted?—I must observe here some difference between the election law, and the custom of election in France and that of England. In France the constituency is very small, scattered in different parts, with very few means of conveying public information. It is an in-door business, not an out-door business; there is no nomination. The election must be performed with closed doors: voters only attend. The candidate himself, if he is not a voter in the arrondissement, has no right to be present. He is not allowed to make public speeches. You may only give some written or printed information, but not make a speech at all; and if you are attacked in your honour and reputation, you have no means of defending yourself. We have no public canvassing. Under the Restoration, the election was carried, in the interest of the opposition, by the public press of Paris, and some leaders of the opposition party. By and by, some people in the province began to have some influence in the election; but it was only a political influence, as a recommendation of one or the other candidate, but very different from the public canvassing in England. That public canvassing did not exist at all there, nor does it exist even now. Under these circumstances, it is very difficult to ascertain the opinion of the voters before the election. We have no bribery at all, except the bribery of the promise of the candidate of the Government. For instance, the Government candidate in France promises to the locality some advantages; for instance, the establishment of a bridge or a canal; and we are so much in want of improvements in France, that it is a very extensive bribery; but I believe the effect of that bribery is decreasing, because the voters have seen, by frequent experience, that the promises of the candidates are not realized. But we have an intimidation, and this intimidation is one which you have not in England. We have two sorts of intimidation—intimidation of the Government and intimidation of public feeling. For instance, in the election which took place after the last revolution, a great deal of intimidation was practised by the public feeling upon a great many voters, who were afraid of a new revolution. It was sufficient to state, that the candidate was a partisan of a new revolution, to intimidate the voters who were afraid of a new revolution on account of their property and their trade.

9275. In what manner was this intimidation brought to bear upon any particular voter?—By the influence of the Crown, which is very great in France; for instance, in a small provincial town we have a great number of public functionaries; besides, our constituency is only about 180,000, reduced, perhaps, to 140,000 by the non-attendance of a great many, and out of that there were, perhaps, 30,000 public functionaries, and a great many who are likely to become public functionaries. Our voters are voters in consequence of paying a certain amount of tax on property, and not as householders, and this class of voters belong mostly to the middle class, and to that part of the middle class who are connected with the Government by public employments, or by the hope of receiving some public employment.

9276. As the vote is given secretly, how does the Government ascertain in what manner any voter has actually voted, so as to know whether he has performed the equivalent for that reward or that punishment which the Government chooses to award to the voter?—The constituency is very small; the Government may know all the persons who vote in dependence upon the Government.

9277. How do they know that?—Because they give a promise to the public functionary to vote in this manner, and by ascertaining the number of those persons, they may guess what is the number of the other voters; and in a small town they have a great many means by private conversation of knowing how the people voted.

9278. Then it is only by the declaration of the voter himself, either of his intentions before he votes, or of what he has done after he has voted that the Government or any individual can know in what manner the voter actually votes?—Certainly; for instance, if I give my vote secretly, nobody could ascertain with certainty how I vote.

9279. Suppose any individual tells the prefect that he has voted as the prefect wishes, is there any direct means of knowing whether he has told the truth or not?—No direct means, but many indirect means; and in some instances I saw under the Restoration, that some voters did say in public, "I have voted for this candidate," and showed their tickets, but it was reproved by all the other electors.

9280. Has

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9280. Has such a thing been done since the Revolution?—Very seldom.

9281. Does public opinion condemn it?—It does.

9282. Are there any instances in which the Government has endeavoured to induce voters to abstain from voting at all?—Sometimes they practise the same as here; for instance, if they have some doubt about the intentions of a voter, they tell him, "You may stay at home; it is better for you; and if the elections are not made under a public excitement, the distance is often very great, and it is a great trouble to many voters to attend at the election, and this method is sometimes used by the Government to avoid a competition.

9283. What proportion of the voters in any election to which your attention has been called do you conceive gave their votes without it being known for which side they voted?—It depends upon the constituency, but in any one that I was, I believe a very large majority of votes was in secresy, whether for the Government or for the opposition. The general habit of the people is secresy of voting, for it is the only guarantee we have; and if we had no secresy, the election would be a mere nomination of the Government.

9284. To what extent in the elections with which you have been conversant has the result of the election been uncertain immediately previous to the election?—The first election where I was a voter was a very remarkable election; it was the last election before the Revolution. The constituency was about 500; there was a great attendance; there were very few absent, and till the very last moment, the result was in doubt. M. Charles Dupin was the candidate of the opposition, and M. le Roi the candidate of the Government; but the struggle was very uncertain until the very last moment, and till the result was known at twelve o'clock at night, the supporters of the opposition candidate, of whom I was one, thought that we might be beaten.

9285. What proportion did the votes, respecting which you were doubtful, bear to the votes which you could predict beforehand how they would be given?—The constituency, as I stated, is scattered in very numerous places, and in every place we have some man acquainted with the opinion of the voters. By the account given by those several committee-men, ten or twelve in our interest, we could hope with certainty to have at the election a third of the voters; and the others were quite uncertain, and only to be persuaded in the short time during the election by private conversation.

9286. What were the number of the constituency in the arrondissement of Paris for which you were candidate?—I was a candidate twice; the first time at Melun. It was a very curious election, because in former times, under the Restoration, we had a double election, the grand and petit college; and my first candidateship was to take the place of a deputy of a grand college, and after the Revolution of July the double election was abolished; until the new election law was completed it was required that every vacancy from a department should be replaced by a reunion of all the electors of the old arrondissement, and my candidateship at Melun was under those circumstances.

9287. Therefore it was a very large constituency?—Yes, it was the constituency of four arrondissements; but by the distance of the places where the voters lived, the number was reduced perhaps to two-thirds of the whole, so that perhaps the number was not more than 600 voters.

9288. Had those 600 all been spoken to in private by your friends?—Since the Revolution the personal and public canvassing has begun in France, but with great difficulty, because we have very few candidates who will expose themselves to the public canvassing, because there is a fear of making any pledge; but in that case, in my canvassing, I insisted that I would have a public canvassing and give some pledge; and upon that occasion, before the election, my friends called a great number of voters to be present at a private meeting to be present at the canvassing; but that is only practised by the minority of the voters; and very often the majority say, "We are quite sure of the result of the election, and we want no canvass at all," because they are afraid that the voters who are uncertain may be taken by the opposition; and it often happened in Paris, at many elections since the Revolution, that the majority declined a previous canvassing which the minority insisted upon.

9289. Then at present, in France, any timid man who is afraid of offending the Government derives complete protection from the ballot in giving a conscientious vote if he chooses to give it secretly?—Yes; and if he has no expectation of receiving any public employment, he has nothing to fear from his vote being known.

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9290. Has the voter any reason to fear loss of custom or injury from private individuals in consequence of his vote?—There is another difference between this country and ours. We have a great many voters who are tradesmen; but in France they have not fixed customers and large customers as they have in England; they do not care about customers; the best customers are the public, and the public are not affected by the vote of a tradesman.

9291. Does this character of the tradesmen apply more particularly to the tradesmen of Paris than to the tradesmen of the provincial towns?—In every place, because we have not in France men of such large property that may consume a great deal and be of great importance to a tradesman, and we have no people of the kind that are here called tenants; the tenant in France does not pay the tax; the tax is paid by the proprietor, and the proprietor is the voter, and the small tenants who are dependent upon the proprietor are never voters, because they never have property enough to be voters; some rich farmers that have property are voters, but they are very few.

9292. Did you ever hear of such a case as a man threatening to withdraw custom from a tradesman if he refused to comply with a solicitation to vote?—It cannot be, because no man in France enjoys so large a property that he can with any effect say to a tradesman, I will go to another if you do not vote as I wish.

9293. What are the usual modes of persuasion by which the friends of a candidate endeavour to persuade a voter to espouse the cause of a particular candidate?—They are very different; it requires to study the feelings of the voters; for instance, now in the present state of France a great deal of influence is exercised by the fear of a revolution. Our constituency is very conservative, because it consists of people of landed property or of tradesmen who have acquired their small income by hard labour, and upon whom the dread of a change of property has a great deal of effect, and now, if a candidate is in the opposition, the Government candidates may say to the electors, "Take care, this is a man that may bring you to a new revolution:" the best means of influence is by studying the private feeling of the voters.

9294. That is, by using arguments to address a man's reason?—Yes, and there is other influence, such as family influence; but the greatest influence is exercised by studying the situation and feelings of the elector.

9295. Can you state what is the number of the constituencies in each arrondissement of Paris?—I have it not in my memory now.

9296. What is the difference between the largest and the smallest?—The difference is not large; but the smallest arrondissement of Paris is what we call the Fauxbourg St. Germain, because, in the Fauxbourg St. Germain there are very few tradespeople and a great many landed proprietors; and some of those voters are voters in the country. In France we have no plurality of votes. In this part of Paris the College Electoral is about 800, and in the commercial part of the town, in the centre of Paris, the number is greater, perhaps 1,500 or 1,800.

9297. Do more than two-thirds generally vote?—It is very variable, according to the state of excitement of public feeling; it is to be remarked at present, that there is a great indifference as to the elections in France.

9298. Is not the Fauxbourg St. Germain very much inhabited by the descendants of the ancient noblesse?—Yes.

9299. Do not those individuals attempt to interfere with the votes of the tradesmen whom they employ in Paris?—No, because the consumption of the rich people is very small in comparison with the consumption of the mass of small householders in the same part of the town; the constituency would be very different if it was householders; but it is only the proprietors who pay 200 francs in taxes a year.

9300. Do you believe that when any French voter goes in the college to vote, he has any apprehension of being worse off with respect to his own private interests, in consequence of his vote?—No, the chief source of intimidation is the Government, and in that respect Paris is quite different from the country parts, because Paris being a large town, the Government has not the same influence; but in a provincial town where there are very few people that are always under the political dependence of the Government functionary, the conduct of each individual is more watched, and you have a great many more means to annoy him than in Paris. In Paris you escape, in consequence of the people being very numerous.

Patrick Lalor, Esq., called in; and Examined.

9301. YOU are resident in the Queen's County, and you represented the Queen's County in the last Parliament, and you were a candidate to represent it at the late election?—I did represent it for the last Parliament, and was a candidate at the late election.

9302. Who were the candidates at that election and also at the former election?—At the former election there were Sir Charles Coote, Mr. Peter Gale and myself; at the last election there were Sir Charles Coote, the Hon. Thomas Vesey, Mr. Robert Cassidy and myself.

9303. Can you state the number of persons who voted at both the elections?—I cannot with exactness; I think about 1,200 at the former and 1,300 at the latter.

9304. How did the numbers stand at the close of the poll?—The first election I was 77 of a majority above Sir Charles Coote, and he was 11 of a majority above Mr. Gale; and at the last election I believe Sir Charles's majority over me was about the same that mine was over him before, and Mr. Vesey's 22 over me. I do not recollect Mr. Cassidy's number.

9305. Was any influence used in the way of intimidation by landlords at the last election within your knowledge?—Yes, a vast deal; but I must say of course that many of those things I was not a witness to; many of them were so public that every body witnessed, and those that were not so, I can only state from information received from the parties concerned.

9306. The Committee wish you to state all the facts which you have taken pains to inquire into and to verify, and which you conceive yourself to have heard on competent authority?—At the first election, what we call the Conservative or Orange party were quite unprepared for the event that took place; they had no conception, I believe, that there was any danger of Sir Charles Coote's return, and they did not use much intimidation before the election, but on the event turning out as it did, that he was near being put out, their resentment became very fierce, and of course the time for intimidation was then passed by, but they inflicted punishments of a very grievous nature upon many of the voters who voted contrary to what they thought they ought to have done, in the shape of ejectments for non-payment of rent, legal proceedings, what we call latitats, driving their cattle, taking turf bogs from them and commonage that was heretofore in their possession, and in every court of justice a system of persecution existed both through juries and magistrates and police. It would be too much to venture to say that the Judges partook of it, but many were punished, I believe even beyond the law, in consequence of their having voted. I do not say that they were entirely voters that were punished in this manner, but friends and relatives, and in fact the whole bulk of the population who came in contact with the authorities.

9307. Did these facts take place immediately after the election of 1832?—Yes, and they have continued more or less ever since, before the last election, and immediately after it (of course) the persecution became stronger, and it has in some small degree died away; but I believe it is only for want of victims that, having persecuted almost the whole of them, it has in some degree ceased for want of other objects.

9308. Have any instances come within your own knowledge, of parties who immediately after the election of 1832 were ejected from their tenancies?—No, I cannot say that I know any that were actually put out of possession, but I know a great many that ejectments were served upon; and the popular party, feeling that those men were brought to that dilemma in consequence of having taken part in the election, they conceived themselves bound to stand between the landlords and those men, and in many instances they raised sums of money in order to protect those that were not able to protect themselves; some were able to protect themselves, and paid the costs of ten or eleven pounds, and in other cases it was paid by public subscription.

9309. What is the amount of costs which attends the suing out of an ejectment?—I understand the first expense, that is, if it is paid very soon, is about 11 *l.*; it will, perhaps, amount to 40*l.* or 50*l.* if it runs on to the last.

9310. Were there several cases which happened, in which tenants having been served with an ejectment, were assisted by the public by means of a subscription to pay their rent?—Very many.

9311. And if that subscription had not been made, the ejectment would have taken effect, and the tenant would have been discharged from his occupation?—Certainly,

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Certainly, a great many have been ejected; the system of persecution was in fact instituted against the whole population, and many have been put out of possession since, who, I believe, would not have been persecuted if the tenants had not, as it is said, broken their allegiance to the landlords.

9312. What was the motive for ejecting those people that had no votes themselves?—I believe that one motive, and perhaps the strongest one, was a hatred to that popular spirit with which the people became imbued at the time, and they considered that it would be better to get what they called a good substantial Protestant yeomanry that would stick by the landlords, than those persons who had broken through, not in their own persons, but in the persons of their friends, their allegiance to their landlords, as it is called.

9313. Then you mean that some landlords served ejectments upon tenants that had no votes, in order to supply the tenant's place by some other tenant in whom they would have greater confidence as to his voting constantly in their interest, although the tenant had not voted against their interest?—Yes, a great many of them had not voted, and they seemed to be as much persecuted as the tenants that had votes, for in general the tenants that had votes were more independent, having a small interest in the land and having leases.

9314. Are there many cases in which Catholic tenants have been ejected and Protestant tenants substituted, since the election of 1832?—A vast number; and the spirit for doing so seems rather upon the increase; within the last two months I know a large district which has been depopulated by Mr. Hamilton Stubbar, for the purpose, as I believe, and in fact it is acknowledged, of putting Protestant tenants in their places.

9315. When you say "depopulated," you mean that the Catholic tenantry were ejected and Protestant tenants put in their places?—Yes, and in all cases a much smaller number put in their places.

9316. May not the motive of that process which you call depopulation be, that the landlord was desirous to put into his farm more substantial people, who would farm the land better than the poor tenants expelled?—No, I am quite convinced that the contrary is the fact; they will get a great deal worse species of tenantry, that is, a tenantry that will pay a great deal less rent; some of the colonies, if I may call them so, as they are called in the county, have been established two or three years, and, as I understand, they have not paid one-fourth of what they contracted for, although it was a much less sum than the old tenants would have paid.

9317. Have you known instances of considerable distress suffered by tenants in consequence of being ejected?—Certainly; I have known several instances; in fact, the event of the last election, that of Sir Charles Coote and of Mr. Vesey being returned, was entirely owing to the intimidation and the losses that their tenantry, particularly the tenants of Sir Charles Coote, suffered after the election of 1832; and certainly many of them were reduced to very great straits, in consequence of the persecution used against them. There are other tenants of smaller proprietors, I believe, persecuted as much; but he being the largest landowner in the country, more of his tenants suffered persecution than those of any other; and I know well that they did suffer, and that that was the cause why they voted as they did at the last election; they told me before the last election took place, that if there could be from three to five hundred pounds put in a fund that they could be made certain would be made available to them, to meet persecution of that kind, they would gladly give their votes as they wished themselves and as the public wished them; but that under the circumstances of their being left unprotected as they were before, they could not venture to do so; there were two or three reasons why that could not be complied with; in the first place I did not like the principle of it, and in the next place perhaps it was not convenient to give them so much money; but I am quite certain the men were sincere; it was not to be given in the shape of a bribe, but as a protection against future persecution, in the event of being distrained upon for rent or being ejected.

9318. Did those tenants tell you so themselves?—They did, and they named the person's hands in whom they wished to have the money placed.

9319. Did any other tenants state the same thing to you?—No.

9320. Are there any other modes in which influence is exercised by landlords over their tenants?—I believe I mentioned all that can possibly be; I mentioned that they exercised this influence first as landlords, in the next place as magistrates, and again as jurors; and I do not know of any other way in which they can persecute.

9321. How is their influence exercised as magistrates?—There seems to be a line of demarcation drawn by the magistracy and squirarchy of the country between the Protestant population and those of the Catholic who voted with them, and the remainder of the Catholic population, because on one side there are all those who they consider have voted and acted as they call the right way, and on the other side they know and feel that the population is anxious that the present state of things should be altered; that is, that they should have freedom of election, and of course that that would bring about many changes towards the amelioration of their condition; and hence there is a sort of war raging between the whole of the magistracy in my county and the population; and in all cases where they come before them as suitors, or as persons charged with the commission of crime, they lean proportionably heavy upon one class and proportionably light upon the other; as an instance of that, I know a case in the town of Maryborough since the last election, a feud that grew out of the election, where one man, a Protestant, put out the eye of another, and for which he was summoned before the magistrates; and in place of referring it to a jury at the assizes, they adjudicated upon it in a summary way, and they fined the man who put the other man's eye out 1*l.*, and they fined the man whose eye was put out 10*s.*

9322. Were those men Protestants?—The man whose eye was put out was a Roman Catholic, the other was a Protestant. Besides, this pound did not go to the man, it went, as such fines do, to the County Infirmary.

9323. Had any provocation been given by the Roman Catholic to the Protestant?—I was not present, but I conceive that there was not, because if there was sufficient provocation they would not have fined the man a pound. I conceive that it is almost impossible that both parties, in a case of that kind, can have been in fault; either one or the other must have been the aggressor. But the cases are so numerous, that to those who are acquainted with that country it would be needless to dwell upon them. But to the Committee it may be necessary to give instances. There was a written notice put up in the town of Maryborough, after the first election in 1832, desiring the people not to deal with certain persons named in the notice; and I believe, as far as I could learn from the opinion of the lawyers, it was couched in such a way as not to be an infringement upon any known law. The writing of this was traced to a man, at least it was written upon the back of a letter which was directed to him, and upon that species of evidence he was found guilty, and sentenced to be transported for seven years. He suffered a year's imprisonment, and then conceiving (as I believe) the man had not a right to be found guilty, they remitted the sentence. He was sent as far as Cork, and kept there in a hulk until discharged.

9324. Who were the persons against whom the notice was directed; were they persons that had voted in favour of the popular side?—Against the popular side.

9325. Were there any notices put up, recommending exclusive dealing on either side at the last election?—I am pretty sure there was, though I did not see them, perhaps very many upon the popular side. But in all cases that I am aware of, from beginning to end, the whole spirit of that non-dealing system grew up among the people as a matter of defence, not of aggression; because, in all cases that I am aware of, the gentry withdrew their dealing some time before the first election. But any that remained after the first election were withdrawn then, and this system of persecution that I have described commenced; and it was as a matter of defence that the practice grew up, rather than matter of aggression. I have a notice of a resolution adopted at a public meeting, which is in some way explanatory of that, which I will read. It was held at the town of Montrath, a parish meeting for the parish of M'Rath: "Resolved, That persecutions exist against the honest freeholders, who conscientiously voted for Lalor and Cassidy, and also against some who even voted for Lalor and Coote, by vexatious and unwarrantable proceedings, and that we will expose to the world the authors and actors in such tyrannical persecution."

9326. What date was that?—It was either the latter end of January or the beginning of February. There was also a resolution passed, to the purport of saying that they would not deal or leave their money with any of those persons who acted contrary to what were considered the interests of the public, or rather recommending that to be done.

9327. Did they promulgate that resolution in the newspapers?—They did.

9328. Did they represent it as self-defence against proceedings of a similar kind emanating from the other side?—Exactly.

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9329. Is it within your knowledge that any gentleman taking an opposite side in politics withdrew their custom from tradesmen in the towns in consequence of those tradesmen not voting as the gentlemen wished?—Yes, of course; almost all that I can speak of as from my own knowledge is where the fact was notorious; but I know many cases, from the shopkeeper and brewers down to the working tradesman; I know a working tradesman, a smith, from whom a gentleman took his custom directly after the election; I am not sure whether he had a vote or not, because those that went to the election and shouted were equally persecuted as those that had votes.

9330. Do you know of any respectable shopkeepers having suffered in the way of their trade?—I must also say that it was only in a few cases that Protestant gentlemen had dealt with Catholic shopkeepers for many years before that; I remember there were two Quakers voted at the last election for Mr. Cassidy and me; in that case I know that some gentlemen in the neighbourhood withdrew their custom from them immediately after the election; I remember that several shopkeepers complained to me, that the little custom they had from Protestant gentlemen had been withdrawn from them, but it was only in a very few instances that there was any power of withdrawing it, inasmuch as they had withdrawn it before.

9331. Are the principal part of the tradesmen in the towns in Queen's county Catholics?—Yes, the principal part of them.

9332. But there are in all those towns some Protestant tradesmen?—Yes, in all the towns that I am aware of.

9333. Do you know any instances in which voters declined to come to the poll to vote at all in consequence of feeling themselves uncomfortably placed?—Yes; I believe the generality of them that staid away were from that motive, and I believe that others staid away in consequence of a direct bribe. I have known persons that were bribed and staid away, and I have known others that were offered it that did not stay away; I have a brother-in-law of my own, who was offered 100*l.* if he would vote for the present members, or 50*l.* if he would stay away. When I say I know, I have only a moral certainty, because those are men whose inclinations would have led them to vote against the sitting members, and who had no direct incentive to vote for them, and who notwithstanding did come forward and vote for the sitting members, and in those cases I am morally certain that they did not do so without some very strong motive, and which I can trace to nothing but the receiving payment in money.

9334. Were you informed by any person that had received those offers?—In many cases I had it from the parties themselves, but in other cases it is only from public report. As to the actual receipt of money it is only public report, but in the cases of the offer of money, I had it from the parties themselves.

9335. Was there any intimidation used at the last election upon the popular side to compel voters to vote in a manner contrary to their own wishes?—Yes, there was this species of intimidation, if such it can be called, that is, the moral influence that the public have the power of using towards a person living in that community; for instance, a man living in a very dense population, and where he feels that they wish him to do a certain thing, and he does not do it, he must naturally conceive that he is to receive a certain share of their ill-will. Not that I think the intimidation went to the extent that he was afraid that bodily injury would be inflicted upon him, but that they would not have the same kindly feeling towards him; that they would not deal with him; that they would withhold neighbourship from him. If that can be called intimidation there was a great deal of it, and that sort of intimidation, if it can be called, was held out to them.

9336. Were there any instances where that intimidation went beyond what you are now stating, where personal violence was used, or threats of personal violence were used?—Not in any case that I have heard of. If that had happened I should have heard it, and I think I should have heard even if the threats had been held out.

9337. Do you know any instances in which after the election violence has been used towards persons that voted against the popular side?—No, except this can be called violence, that I have known persons desired and obliged to leave the Roman Catholic chapels on Sunday, that is, obliging them, so far as desiring them, to go away.

9338. You mean that there were cases in which the congregation in the chapel desired some individual to leave the chapel, in consequence of his having voted against

against the popular side?—Yes, I have known that to happen in perhaps 20 cases.

9339. Those were persons that had actually voted?—Yes, and in some cases men that had not voted, but were restrained from coming forward, as the public believed, under the influence of a bribe.

9340. Do you know any instances in which tradesmen who voted against the popular side have suffered in their trade, or their property, by loss of custom? Many by loss of custom, but not by violence.

9341. Are the tradesmen that have so suffered Protestants or Catholics, or both?—Both. I believe the feeling is stronger against a Catholic, because it is conceived that he had a worse motive for so acting.

9342. Did the Catholic priests interfere at the late election?—Some of them interfered so far as canvassing. I do not know that any, except one or two curate priests, acted in the way of canvassing.

9343. Did any of the priests come up with the voters to the poll?—No, I did not see one of them come up to the polling booths, but I know they were in the town and spoke to the freeholders, and encouraged them; but I must say that, out of 22 parish priests in our county, and as many curates, I do not remember having seen more than five or six of them at the election. I am sure they did not amount at any rate to ten.

9344. Did any Catholic priests address their congregations from the altar in reference to the election?—I heard some myself; I dare say many others did.

9345. What language did they use?—They of course inculcated upon them the necessity of temperance in going to the election; and in every case the recommendation was for no one to go there, except those that had business, that is those that had votes, and recommending to the people to be temperate, not to drink ardent spirits, and to avoid doing any thing that would bring them into collision with the authorities; and also recommending them to beware of perjury, as in those cases there were oaths to be administered, and recommending them also to vote conscientiously as their opinions directed them, would be for the public good; and in fact inculcating the moral obligation that was upon them, of not doing any thing that would injure the public by voting for persons not the best for the public.

9346. Did they use any language calculated to inflame the feelings of their congregation against voters upon the opposite side?—Never any that I heard, nor do I believe that they did.

9347. Did the Catholic priests attend any public meetings, and harangue the people there?—Not that I am aware of; and I do not remember that there was any public meeting in the county before the election; there were some meetings after the election was over. I went to some of the parishes for the purpose of thanking the electors for the support they had given me and addressed them outside the chapel-yard; Sunday being the only day when I could meet them altogether; and at those there were some Catholic priests that lived in the particular parish, and I believe in every case of that nature they were present, but I do not recollect, except upon one occasion, that any of them spoke.

9348. Did they attend any parochial meetings or district meetings before the election?—Yes, I am sure they did.

9349. Did they harangue the people there?—In some cases, but not generally; not more than about five or six.

9350. You have stated that a very extensive system of persecution was carried on by the landlords of Queen's county, and that a number of tenants were either ejected or distrained for rent, and that great suffering was the consequence?—Yes; and I must further say, that another species of persecution that was very much carried into effect was what is called "beating fines," that is fining men that had beaten land, that is what is called burning the surface; the fine is 10*l.* an acre; and I know one case where a man was obliged by Sir Charles Coote to pay 93*l.*; and I know another man he, Sir C. Coote, sent to gaol for some months, and he was either liberated by the Insolvent Act or paid the money.

9351. Is not that an offence against the law?—Yes; but this was an offence that was in general overlooked; the law appeared in many cases to be a dead letter, and seldom acted upon.

9352. You mean to say that it was so rarely enforced, that the tenant might reasonably infer that he was safe in doing so?—Certainly; and I am quite sure the man that paid 93*l.* had no idea that it would be enforced, or else he would not have done it, because he had voted against Sir Charles Coote.

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9353. Will you have the goodness to state, whether having given this general account of the extent to which persecution was carried, you are able to specify the details, and to name the individuals, if called upon, by whom the persecution was carried on?—Yes, I can name them now.

9354. Whom did you succeed in representing the county?—I succeeded Sir Henry Parnell.

9355. Were you called upon to represent the county?—I was called upon.

9356. Can you state for what particular reasons the county had quarrelled with Sir Henry Parnell?—They did not quarrel with Sir Henry Parnell.

9357. Why did they call upon you to take his place?—The reason assigned was, and I believe the real reason was, that they were under the conviction that their opinions were not represented by either Sir Henry Parnell or Sir Charles Coote.

9358. Do you suppose that it arose from your being of the same religion as themselves?—No, there was as great an anxiety about Mr. Gale, a Protestant.

9359. Why did Mr. Cassidy, instead of Mr. Gale, stand for the county afterwards?—I will state the reason. The county is very poor; it was not my personal wish, it was in fact a burthen upon me to be returned for the county; I should have preferred not being so; it was only the conviction that at that moment no one else had any chance of being returned that made me stand in 1832. The popular part of the county are poor, and they found it burthensome to be supporting the expenses of an election which I would not support, being unwilling to have any thing to do with it, and Mr. Cassidy was considered a person whose means would enable him better to support the contest than that of Mr. Gale. It was solely for that reason, and because Mr. Gale was not then in Ireland, but in London, that he was chosen.

9360. What was it that made you come forward to represent the county as against Sir Henry Parnell?—My object, and that of the persons that wished me to stand, was not directed against Sir Henry Parnell, but against Sir Charles Coote, and if Sir Henry Parnell had remained in the county, I believe he would have been elected along with me.

9361. What was the objection against Sir Charles Coote?—That every vote except one, viz. the vote for emancipation, was in direct opposition to the constituency and public feeling in Queen's county; that was the only occasion upon which he ever voted so as to please the bulk of the people.

9362. Are you acquainted with Mr. Singleton?—Yes, I know Mr. Singleton by sight.

9363. Have you had any communications with him?—None whatever; I never happened to speak a word to Mr. Singleton; I know he is a police magistrate, and I know that he acted in an official capacity in our county for some time, but I am not acquainted with him.

9364. If sworn depositions taken before him were to be produced, you cannot state from your personal knowledge of Mr. Singleton, your impression of how far reliance ought to be placed upon them?—If I knew the person that swore it, its having been sworn before Mr. Singleton would not make any difference in my belief, because I have known of affidavits made before a most respectable nobleman, the Lord Lieutenant of the county, which affidavits should be received with great caution; and however respectable the individual before whom they are sworn, they happen to be untruths. I know that persecution was carried on before the election by the authorities of the county as well as persecution since, and one of those modes of persecution was by introducing vast numbers of the military to overawe the people, and it was in one case induced, as I believe by representations to Government, founded upon affidavits which were untrue, which were taken before the present Lord Lieutenant.

9365. Are you aware that the Government sent the troops, in consequence of such representations, either from the Lord Lieutenant, the sheriff or the magistrates; and are you aware that, in the time of Lord Anglesea, troops were equally sent to disturbed districts in 1832, in the same manner as in the years 1824 and 1825?—I suppose they were, but our county did not come under the appellation of a disturbed district at the last election.

9366. Have you read the charge of Chief Justice Doherty at the last assizes?—No; I read the charge of one of the judges, Judge Bush, in which there was not one word of that; but Chief Justice Doherty's opinion could by no means alter mine, if he asserted that it is in a state of disturbance, because I have much better means of knowing the fact than he has.

9367. He expressed an opinion in his charge, that no landlords could act more kindly towards their tenantry than the landlords of Queen's County?—All that I can say is, that I am sorry to say he is in error, and it is impossible that he can know the facts except from the landlords themselves, and we can naturally suppose that they would not accuse themselves.

9368. You, who dispute the authority of a judge, in his charge to the jury, and who equally dispute the authority of the chief constable, were yourself a candidate at the last election?—I was.

9369. And it is not unfair to assume that, being candidate, you had the spirit of partisanship, which a man must have at an election?—It is natural to think so, but if my word is to be taken, I assure the Committee that this is not the case.

9370. Are you a Roman Catholic?—I am.

9371. Are you aware that in 1830, after Roman Catholic emancipation was carried, the Roman Catholic bishops, 26 in number, in a pastoral letter, desired that their chapels should not be used in any part of Ireland for political purposes?—I am aware that they did, and I believe it was fulfilled to the letter ever since.

9372. Then why did they repeat that injunction in January 1834?—I cannot say, except that being a good regulation they considered it desirable to impress people's minds with it; I know that the regulation has been regarded with dissatisfaction by many of the people.

9373. Are you aware that that was repeated in January 1834?—I do not think it has been renewed, except the annual renewal. I believe it has been printed every year in the directories of the Catholic clergy.

9374. Has there not been since a letter from the Roman Catholic bishops, addressed to the clergy of their diocese, in which they say, that notwithstanding that pastoral injunction, the appearance of politics at the present day is such as to require them to disregard that pastoral letter, and use their best influence in endeavours, in order that liberal Members should be returned to Parliament?—No, on the contrary; I speak only of our own diocese; but I am sure that such a letter was never written in our diocese, because if it had been I should have heard of it. And another thing I know that such cannot be the fact, for this reason, that the chapels never have been used, during the last election, for political purposes; and I think, if the bishops sent such a direction to the priest it would have been used, because I know that in all cases it was anxiously wished for by the people, because they felt themselves incommoded by not having the chapel to meet in.

9375. Did you ever read a letter addressed by Dr. Nolan to the priests of his diocese?—Never, except the pastoral, which I saw in the newspaper; but there was not a word of that in that pastoral.

9376. Did you ever read a letter addressed by Dr. M'Hale to his priests?—Any thing that may have appeared in the newspaper I may have seen, but I have no recollection of any particular letter.

9377. You say that you do not believe that Roman Catholic priests have ever adverted, in their chapels, improperly to political subjects; if, for instance, it were stated to you that a Catholic priest had represented the police as bad men, and the soldiers who were present at the time that he spoke, being Roman Catholic soldiers, as good men, because they were of his persuasion, should you consider such a speech, coming from the pulpit, a proper speech for a Roman Catholic priest to make?—I consider, that if he made use of those expressions as with reference to their religion, it would be a very improper speech; but if he made use of them in reference to the practice of the police, as contradistinguished from the practice of the soldiers, he would be perfectly justified in doing it; and it is an observation which every one, looking honestly at the conduct of the police, must have made.

9378. Then you think that a Catholic priest is justified at the altar in holding up the police to the dissatisfaction of the people?—I think that if he does it for the purpose of holding them up to the hatred of the people, it is very improper; if he did it for the purpose of correction, and causing their conduct to be amended, he was perfectly justified, and not only that, but he was bound to do it.

9379. You consider that the altar or the pulpit is a proper place for political discussion?—Where morals are connected with it, certainly.

9380. The question refers to the conduct of the police in executing the laws of the country?—There is a proper mode, and there is an improper mode of executing the laws of the country, and where that has been done improperly, I think the

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priest is bound to point out to the people, to show them that even if the conduct of the police is bad, they should not themselves be led to break the law in consequence.

9381. Do not you conceive that it is the duty of a minister of the gospel to assuage party feeling, not to hold up any particular body, such as the police force, to the hatred of the people; that if there are causes of complaint against the police, the parish priest, being a man of education, ought to make his complaint to the authorities?—I think so, I think he ought to warn his people against the collisions which so frequently take place from the misconduct of the police.

9382. The question does not refer to collisions, but to the fact of the priest having held up the police to the hatred of the people, and drawing a contrast favourable to the military of the Catholic persuasion who were then attending the chapel, and the question is, whether under those circumstances you consider his conduct justifiable?—I can only answer it in this way, that if he had not some better motive than holding up the police to the hatred of the people, he would be very unjustifiable; but from my general knowledge of the priesthood of Ireland, I do not think any of them capable of such conduct as that; and I conceive that if they had drawn any parallel between the police and the soldiery, it must have grown out of something upon which they found it necessary to speak to the people in reference to the moral conduct of the people themselves.

9383. Do you conceive that a priest, without making any particular accusation of misconduct on the part of the police, would be justified in holding up the police to the disapprobation of the people?—I think not, without he was able to specify some particular misconduct.

9384. Suppose it was stated to you that a case of the kind had occurred, should you believe it?—It would depend upon the authority from which it came, because I know that the exaggeration of many is so great, that I should be very slow to believe it, unless I knew the person from whom it emanated.

9385. Suppose you were informed that the case having been reported to the bishop of the diocese, and the circumstances of the case investigated, the clergyman had been suspended from his living by the bishop; should you have any doubt about it?—None in the world, and I think there is not a case of the kind that could be represented to the bishop, but he would suspend the priest having acted as you state.

9386. Have you known any instances of persons having their seats in the chapels destroyed?—Yes.

9387. Did you know any instance in the chapel of Raheer of violence being used to a girl, in consequence of the vote of some of her friends?—No violence, nor was it in consequence of the vote of some of her friends; I will state what happened: there was a girl of 17 or 18 years of age who was accused by the people of the neighbourhood of having assisted in dressing an Orange flag for one of the members of the county, and she became obnoxious to the people of the neighbourhood, not from any vote that any of her friends had given, but merely for assisting in this Orange flag, and that was the cause of what was done to her; it was nothing more than this, that another party of little girls went into the chapel and desired her to come out, and made her come out without any injury whatever. The only means we have of building or repairing our chapels is by box collections at the door, and there is a person appointed for the collecting of this, and he happened to be collecting upon this day, and he said to the girls that were inside. "why do not you exert yourselves?" as much as to say, why do not you put her out; and for this he was tried for an assault, found guilty, and sentenced to four months' imprisonment, the barrister saying at the same time, that he would not inflict a fine upon him, as he knew that he could not pay a fine.

9388. What is that man's name?—The man's name is Rohan; and a little girl, who was in the receipt of eight or ten shillings a quarter for wages, was fined ten shillings for having been one of the parties concerned; and the assistant barrister also at the same moment asserted that he was an Orangeman, and in charging the jury upon the case, he expressed himself in words to this effect:—"This grows out of the non-dealing system; but I will put a stop to that. You will not deal with any Orangeman; no, you will not; but I will punish you. We have ten shillings," thereby meaning that he was one of those persons designated Orangemen. "We have ten shillings for your one. What can you do with your one without our ten?"

9389. Who is the barrister?—John Scholes.

9390. Did you hear him state this?—Yes.

9391. Did you hear him state that he was an Orangeman?—I heard him state the words that I have mentioned.

9392. Was that done as a threat, or was it not rather done as an inducement to the party to give up the habit of non-dealing?—I think clearly it was done as a threat, and I am certain that the punishment was inflicted upon the man as a threat; because I am certain that any assault of an ordinary nature, not growing out of an election, that man would not have received a week's imprisonment.

9393. Do not you think the non-dealing is a very injurious system?—I think so; but, under the circumstances in which the population are placed with respect to the aristocracy of the country, they have no other mode of protecting themselves than that, and a very effectual one it is, if it was properly carried into effect, and I think a very legitimate one.

9394. Then you are a defender of that system?—Certainly, under the present circumstances of the country, but not otherwise.

9395. So that you would think yourself justified, as a gentleman of weight and respectability, and lately a candidate for the county, in recommending to the people that system?—Certainly, and I have done so.

9396. Supposing that the system of the interference of the landowners, with the free-will of the voters, could be done away, would you still recommend the non-dealing system?—By no means; on the contrary, I have always supported the necessity of voting by ballot; and I conceive that at present it is nonsense to talk of freedom of election without the vote by ballot; because, from the distresses and the heart-burnings that the country has undergone since the last election, I do not know how it is possible to ask any man to come forward and give his vote for the public good.

9397. Is there much feeling in favour of the ballot in your county?—Yes; all those that are in favour of the non-dealing are in favour of the ballot; and those that are against the non-dealing are against the ballot. The persons that are in favour of the non-dealing are so only as a *dernier ressort*, and as the lesser of two evils.

9398. When was this charge of Mr. Justice Doherty delivered?—About a fortnight ago. It has always been the custom of the judges to laud the aristocracy of the counties through which they pass, and frequently not borne out by the facts.

9399. Then you believe that Irish judges from the bench are in the habit of stating to the grand juries, for the sake of lauding the higher orders, things which are not true?—I believe they are; but I must also say, that they believe it to be true themselves. I think their predilections lead them to state that which is not the fact, they believing it to be true.

9400. So that you believe them to be honest, though not very judicious or accurate?—I will not give a character to the whole of them in that way; perhaps there are some of them that are.

9401. Do not you believe that the Irish judges have been very much infected with a spirit of partisanship?—I think it is quite evident.

9402. When the judges pass through the country to the assizes, do they pay visits to the leading noblemen and gentlemen?—I do not know that it is their general practice; when a Sunday intervenes I believe they do so, but they have many modes of intercourse with the grand jury, and they are the only persons from whom they get any information as to the state of the counties.

9403. Do not you think a great many tenants might be distrained and ejected without the circumstances coming within the knowledge of the judge?—I am sure there are thousands.

9404. Do not you know that the Government in being, whatever it is, makes it a rule to select its own partisans, and put them upon the bench?—I believe so, except the late Whig Government, which, in almost all cases that I am aware of, selected their most zealous opponents.

9405. For instance, the late Attorney-General Joy, by whom was he appointed to the bench?—I do not recollect; but I know that Judge Doherty was appointed by Earl Grey's administration.

9406. By whom was Mr. Blackburn appointed to be Attorney-General?—I am pretty sure by Earl Grey's administration.

9407. Those three individuals are not supposed to entertain Whig or liberal opinions?—I never heard them accused of it.

9408. Then, if they were appointed by Whigs, do you think it is consistent with your

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your previous answer, that generally persons are appointed according to their political opinions?—I made an exception of the late Whig Government. I am not aware of any appointments that they made, that were not opponents to themselves in politics.

9409. So that the merit of the individual overcame the dislike to the politics of the man?—I do not know what the reason was; I rather think it was some infusion of Toryism that remained amongst the Government themselves, that overbore the better judgment of the other and more liberal Members.

9410. Have not you heard the old adage, that a renegade Christian generally makes the worst Turk?—I think so.

9411. Then is it likely that those of the Tories that remained in the administration would be very partial to their friends?—I think they were.

9412. You do not attribute it to the Whigs?—I attribute it to what is called the Whig Government, but more particularly the Tory Members composing it; and my own experience led me to believe, that ranker Tories did not exist than some of the Members of that Government.

9413. For instance, Lord Anglesea was not a Tory?—I think he was not.

9414. Do you know Mr. Singleton by character?—Yes, I have known him by character as a magistrate in our county for some years, and know he has always been considered a partisan, and a person not possessing the confidence of the people, or that administered even-handed justice; that was the character of him in our county, and for conduct of that nature he had been removed to another county.

9415. Did you ever read an apology, signed by Mr. Singleton, to the Rev. Mr. Maher?—Yes, I did; there had been a commissioner sent down by Government to investigate the matter, and on Mr. Singleton making this apology before the investigation commenced, it did not go on.

9416. Do you remember that Mr. Singleton brought a charge against a Roman Catholic clergyman of the name of Mar; that he was unable to sustain the charge, and that he retracted it by order of Government; and was told, that if he did not do so he would lose his situation?—I am not certain whether he was told so or not, but I know that he did retract it, and that he was removed in consequence to another county, not for the retraction, but for the false charge.

9417. Taking that circumstance into account, and your general knowledge of his character, would you pay any particular attention to any statement made by Mr. Singleton, respecting the conduct of the Roman Catholic clergy?—Certainly not, nor if that transaction had never happened.

9418. Mr. Singleton is a Protestant?—Yes.

9419. Are the inferior class of Protestants swayed by those prejudices which attach to the lower classes of all religions?—With a few exceptions, they are.

9420. Has not Mr. Singleton had the merit of rising from the ranks as a policeman?—Yes, so I have heard; I heard that it was in consequence of having defended a house in which he showed a good deal of gallantry and prudence.

9421. Are you aware that he was promoted to his present situation by Lord Anglesea, in consequence of his good conduct?—The impression upon my mind was, that he was a magistrate before Lord Anglesea's Government

9422. Are you aware that Mr. Singleton was removed from Queen's County in consequence of his services not being longer required?—No; on the contrary, I heard it was in consequence of the affair I have mentioned.

9423. You have stated that he is not popular with certain classes in that county, do you consider that the other magistrates are more popular?—I consider that very few of them are.

9424. Are the magistrates many of them Roman Catholics?—Not one.

9425. Do you maintain generally the same opinion of the other chief constables and magistrates employed officially by the Government, that you do of Mr. Singleton?—Not at all.

9426. But generally you entertain that opinion of the magistrates of Queen's County?—Yes, but there are exceptions; I considered that Mr. Singleton was the mere organ of the rest of the magistrates.

9427. With regard to the employment of the military at the late election for the Queen's County, are you of opinion that they were brought in without any real necessity for it?—I think there was no real necessity, but I am sure the public were exceedingly glad of it, as they were a better mode of preserving the peace than the police, inflated with the bad passions that they had, would have been.

9428. Are

9428. Are you of opinion that the military were employed in any such way as could have the appearance of their being intended to intimidate or coerce the voters in any way?—The military were obliged to obey the commands of the chief constable as well as the presiding magistrates; I do not know whether there was any specific form resorted to of superseding the magistracy of the county during that election, but so it was, that they did not act, and which I think was very fortunate for the county. The management of it devolved upon three or four stipendiary magistrates that were brought into the county; amongst the rest were Mr. Singleton, Colonel Osborne, and Mr. Malony. The military had directions to obey the commands of the chief constables, as well as of those three magistrates, and I know in that case they had been used as instruments of coercion to some of the tenantry if the chief constable so wished it, and I know in two cases that the chief constable had got directions to coerce freeholders. The expression was, "Get them in if you can quietly, but bring them in at any rate, and bring them to Lord De Vesci's at night, and we will take them in the brake* in the morning."

9429. From whom did those directions come?—Colonel Osborne.

9430. Were they directions in writing?—No.

9431. From whom did you hear them?—I heard them from a sergeant in the police who was dismissed the service, and one of the charges against him was that he would not act upon that occasion.

* The brake refers to a kind of carriage belonging to Lord De Vesci for carrying persons to the election.

9432. Was he dismissed immediately after the election?—Three weeks after.

9433. What was his name?—Robinson.

9434. You believe that Sergeant Robinson was dismissed in consequence of having refused to obey an illegal order of Colonel Osborne's?—It might be borne out in this way; it might be illegal in the first instance in Colonel Osborne to give the order, and it might become legal as regards a subordinate officer, because he might not be allowed to question it, but I am sure it was an unconstitutional order.

9435. Then you say that Colonel Osborne gave an unconstitutional order to Sergeant Robinson, who, in consequence of refusing to obey it, was three weeks afterwards dismissed from the police service?—That was not the only charge against him, but it was one of the charges, and those were not the words that the charge was couched in, but that is the amount of it.

9436. Who is Colonel Osborne?—I know nothing more of him than that he is a stipendiary magistrate.

9437. Before whom would such an investigation take place as the dismissal of a sergeant of police?—Before the magistrates of the county, and the person who presided upon that occasion was Lord De Vesci, the Lord Lieutenant of the county.

9438. Then Lord De Vesci presided on this occasion, when a sergeant for having laudably resisted an unconstitutional order given him by his superior, the result was, that for this, as well as other offences, he was dismissed the police service?—I am under the conviction that it was for his independence that he was dismissed, but there were other charges mixed up with it, which might have the semblance of taking away the real reason why he was dismissed, and placing it to another account.

9439. Then, in your opinion, such is the state of the Queen's County, that the Lord Lieutenant, at the head of the magistrates, conducted an investigation that caused the dismissal of a sergeant of police, for conduct which, if properly investigated, was laudable instead of being criminal?—I think so.

9440. Did the military act at the last election in any way, or were they simply drawn up and ready to act?—They acted in various ways; they conducted freeholders in and out; they conducted Lord De Vesci's family, and conducted Colonel Osborne to Lord De Vesci's every night, and back to Maryborough every morning.

9441. Do you make any charge against them?—There were some of them very intemperate. An officer was so intemperate that he rode a man down.

9442. Did not Sir John Harvey, the inspector of the district, specially preside over the military and civil arrangements in Queen's County during that election?—He did, and I think there is no praise that can be bestowed upon a man that he did not deserve on that occasion.

9443. Do not you think that Sir John Harvey would be a much better witness than Mr. Singleton, with respect to the state of the Queen's County?—Certainly; my idea is, that there is no man in whom honour and truth can be more strongly discernible than in him.

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9444. Are you aware that he was lately in London?—I saw him here.

9445. Is he here now?—I do not know: but for Sir John Harvey, I think the worst results would have happened. The magistrates, I believe, all came armed there. One of them had information sworn against him for presenting a cocked pistol to a man. I saw none without fire-arms and deadly weapons. From the infuriated state they were then in, if they had had the control of the military and police, I do not know what consequences might have ensued.

9446. Would not the reports of the chief constables pass through Sir John Harvey, as inspector of that district?—I suppose so.

9447. Then, as matter of routine, the dismissal, and the circumstances relating to the dismissal of Sergeant Robinson would equally have come before Sir John Harvey?—I suppose so.

9448. Sir John Harvey was present during the election in command of the arrangements, when Sergeant Robinson was supposed to have committed these offences?—He was in the town, but not cognizant of this transaction, I am sure.

9449. If Sergeant Robinson had felt himself aggrieved, would not the person to whom he would have naturally applied have been Sir John Harvey?—Yes; but I believe, from feeling himself aggrieved, he sought to get his discharge before, and he would not get it till he should undergo the punishment and degradation of dismissal. He told me that he sought his discharge previous to the charge being brought against him, which was refused him.

9450. Have you ever heard that the result of the elections in 1835, as compared with the result in 1832, was this: that in 1832 there were ten men killed during the elections by riot, and that in 1835 there was not one man killed at the elections, even if the man at Trim be included in the calculation?—I am not aware as to the fact, but I know that we were quiet at both elections.

9451. If such a fact as ten men having been killed at the contested election in 1832 came before the Government, do not you consider, on requisitions being made by magistrates, expressive of their belief that riots of a serious nature would take place in 1835, it was their duty to take the necessary steps to prevent such a loss of life as had occurred at the previous election?—I think the Government were perfectly justified in sending them; and I think the magistrates would have been perfectly justified in demanding them, under the supposition that they were necessary, if they had confined themselves in the statements to Government to facts, which I am sorry to say they did not.

9452. If you were shown reports from Sir John Harvey, stating that several lives would have been lost but from the presence of the military, should you think them entitled to be believed?—Yes; and I believe it would have been the fact, if left to the management of the resident magistracy and the police.

9453. Then you come to the conclusion that the employment of the military, under the circumstances of the late election, was necessary, and that it was the duty of the Government to send the troops required by the magistracy?—I think it was, constituted as the magistracy of the counties generally were; but if they had been differently constituted, I do not think the military would have been necessary.

9454. But under the circumstances of the case as they were?—I think they were desirable, and they were hailed by the people; the people were highly pleased at having them there.

9455. You think that such was the conduct of the troops during the election, that they were hailed by the people?—Yes; but I must also say that I attribute the whole of it to the conduct of Sir John Harvey.

9456. You think if they had been under the management of the magistrates, they would have done much less good than they did?—They would have done a vast deal of mischief.

9457. Are you aware that at the conclusion of the election, the magistrates and the police were thanked by the parties engaged in it?—I am not aware of it. I know that I did not thank them either publicly or privately; but I returned thanks to Sir John Harvey, and the stipendiary magistrates generally, and to the high sheriff, and I think they deserved it.

9458. Was Mr. Singleton one of the stipendiary magistrates to whom you returned thanks?—Yes; I saw nothing in his conduct that merited any censure.

9459. Do not you consider that a contested election is an occasion where partisanship might be shown by magistrates by partiality?—Yes.

9460. But

9460. But you perceived none in Mr. Singleton upon that occasion?—Partiality he had, but it did not do any mischief.

9461. You conceive that Mr. Singleton had partiality, but he did not evince any partiality publicly by his acts?—I could not see any.

9462. Then Mr. Singleton's conduct, as regards the election, is a matter of suspicion rather than a matter of fact?—It is matter of fact, both as to his partiality and as to his not carrying it into any practical effect. His partiality was evident enough, but he did not bring it out in his conduct. It is easy to see what a man's feelings are, at the same time that he may keep them sufficiently in restraint, so as not to overstep the bounds of propriety.

9463. Then Mr. Singleton's conduct did not overstep the bounds of propriety?—No, not in any way that I have seen.

9464. Have you any thing else you wish to state to the Committee?—Yes. Besides the other modes of persecution adopted by the landlords of the county, there is a right the people claim to the bogs of Ireland, and, as I think, a right not founded in law but from mere occupancy. But whatever the case be, whether they have a right or not, they have been heretofore generally used as modes of procuring fuel for the people of the country. One of the modes resorted to of persecution now, and perhaps one of the strongest and harshest modes, is the deprivation of the people of the country of fuel. That has been resorted to in almost every case; that is, by refusing to allow them to cut turf. Some years they got it before as an appendage to their lands, and sometimes they got it for payment; but in none of the cases that I refer to can they get it by either mode. As a proof of that, I have copies of some hundreds of notices to tenants of Sir Charles Coote, forbidding them to cut turf.

9465. Are the notices all of a similar tenor?—Yes.

9466. Be so good as to read one of them?—"Sir,—Take notice, that any permission, leave or liberty that may have been at any time heretofore given to you, to cut turf or fuel, or otherwise, in or on any bog or bogs on the estates of Sir Charles Henry Coote, bart., in the Queen's County, is hereby withdrawn; and you are hereby required, immediately after service of this notice, to desist from so cutting turf in or on said bog, or committing, or causing or permitting in your name, or on your behalf to be committed, any waste, trespass or injury thereon, or in any manner interfering therewith; and take notice, that should you at any time after the period of the service of this notice, trespass upon said bog, persevere in cutting turf thereon, or otherwise be found in any manner trespassing or committing waste thereon, legal proceedings will be instituted against you in respect to same, and you will otherwise be punished as the law directs. Dated this 30th day of April 1835. (signed) S. Lundys, Agent, Receiver and Manager of the Estates of the said Sir Charles Henry Coote, bart."

9467. Have a great number of such notices been issued both by Sir Charles Coote and other landlords?—I do not know that other landlords have issued notices like this, but I know they have prevented turf being cut. I know that that has been done by Lord De Vesci and other landlords; and I know that they have refused it, not only to voters, but to all persons who had any brother or relation that was a voter, or took any part in the election.

9468. Is it a great inconvenience to the tenants to be deprived of the power of cutting turf?—It is not only an inconvenience, but if it is carried into effect it will be as bad as being deprived of their existence.

9469. Can they go to any other place for fuel?—No, unless they go to the expense of getting coals from a long distance. There is another species of intimidation and persecution that is resorted to, and which I think shows the necessity of the ballot more than any thing I have known as yet, and that is the persecuting men to such a degree as to make them give up their present leases, or to intimidate them from voting hereafter; I have known many persons that have been induced to do so, and I have known many more that have been sought to be induced to do so.

9470. Are those 10*l.* voters?—Yes.

9471. What inducement is held out to them?—In many cases that I know, those men have been under ejectment for a year's rent. Suppose a year's rent became due upon the 25th of March, ejectments have been served upon them, and the landlord told them if they would give up the lease he would forego the ejectment and give a longer time for the payment of the rent.

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9472. Then you conceive that many of the Irish landlords, finding that their tenantry vote contrary to their wishes, are disposed to neutralize the votes of such individuals?—Certainly; I know several of them have refused leases of late to any Catholic tenant, although they give them to Protestant tenants.

9473. Then you imagine that the state of things in that county is such that Protestant landlords will apparently do every thing in their power to place Protestant tenants upon their estates, in order that they may have the support of Protestant voters?—I think they will till they get such a chastisement, in the shape of bad payment and refractory men, that in a short time it will cure itself; but I am sure that great evils will be inflicted upon the country in the mean time.

9474. If a son of Lord De Vesci, who is a good landlord in the county, stands for the county, if his tenantry voted for you and not for his son, you think it is not a natural thing on his part to endeavour to get Protestant freeholders instead of Catholic ones; but that in a short time he will depart from that system and again return to have Roman Catholics for his tenantry, and to have the county represented by you instead of by his son?—It may be natural for him to do so, but it arises from one of the worst infirmities in human nature; although it is human nature, it is one of the worst portions of it, that men should inflict evil upon great communities merely because they differ in opinion from themselves; and if things were properly ordered, Lord De Vesci would allow every man to give his vote as he conscientiously believed for the public good, and not for the advancement of his own interest.

9475. Do not you think that property should be represented in the House of Commons?—Yes, and I conceive it must be; because I conceive that the aggregate of every community must have more property than any individual; and besides I think that in no case, if the channel of public opinion was allowed to run in its proper current, would property ever be deprived of its just and legitimate influence, and I think any thing beyond that, landed proprietors ought not to expect.

9476. Do you consider that the two unsuccessful candidates at the last election represented the property of the county in a fairer manner than the Honourable Mr. Vesey and Sir Charles Coote?—Vastly.

9477. You think there was more property upon your side than upon the other?—Yes, twenty to one.

9478. Then how came the election to turn against you?—From intimidation and bribery.

9479. How was the intimidation carried into effect by the minority against the majority?—The minority are the large landed proprietors; they have the power of intimidating and persecuting in every character, as landlords, magistrates and jurors, and in fact the dispensation of the law goes entirely through their hands; and that being coupled with their being possessed of the landed property of the county, the influence they are able to create through terror was able to return the two sitting Members.

9480. You were understood to state before that your side in the county were possessed of nineteen-twentieths of the landed property in the county, and now you state that the other side are possessed of almost all the landed property; how do you explain that?—In stating that the greater part of the property was upon our side, I meant not merely the landed property but the aggregate property, commercial and manufacturing and agricultural.

9481. But the landed property was decidedly in the scale of your adversaries?—No, I think there is more landed property in the hands of the tenantry than in the hands of the proprietors; I will take the value of land in our county at 1*l.* an acre; I conceive that to be the landlord's rent, and I conceive there is more than that amount of interest in the community generally; that is, in other words, that the tenantry of the country possess more interest in the country than the landlords, and that they must do so in order to support an existence.

9482. The question relates to the owners of land, not the occupiers of land?—Then it is quite the other way in as great a ratio, and perhaps more so.

9483. That is to say, that the land proprietors and owners are more than twenty to one against you, and in favour of those two gentlemen?—Certainly.

9484. As land gives a right to vote for the county, and as landed property has by the Reform Act a right to be represented, do not you consider it natural that a great proportion of the landed proprietors should be interested in returning to Parliament a person who would vote in their landlord's interests, rather than be represented by more liberal candidates?—I think they are influenced by that feeling;

feeling; but I think it is not a legitimate feeling according to the constitution of the country, because if that was the intention of the Legislature, they would have confined the power of voting to the landed proprietors, because if they are to have the power of coercing their tenantry to vote in whatever way they wish, under semblance of having their property represented, it is a mere mockery to give to the present constituency the power of voting.

9485. Do not you consider that the relation between landlord and tenant, by mutual acts of reciprocity and kindness, is one of the motives by which persons are actuated in all situations of life, and that it is natural for the landlord to confer favours upon his tenantry, expecting that they in return will meet his wishes in an election?—I do not think it is the practice for landlords to bestow acts of kindness, in order to obtain their tenants' votes; and even if it were, it would be a very vicious one, because I conceive that the obligation of voting conscientiously for Members of the Legislature is a moral obligation upon those men prior to every other obligation; and that no obligation they may be under to a landlord ought to go to the extent of inducing them to commit an act that will be injurious to society; therefore, if the landlord seeks that power, he seeks that which he has not a right to; and every tenant who indulges him in it is committing an injury upon the public, merely to serve himself; and I consider him just in the same degree responsible, and committing an act of moral turpitude as a man that receives a direct bribe.

9486. Might not a landlord just as well pretend to determine whether his tenant shall be a Roman Catholic or a Protestant, as to determine who he shall vote for?—I think a great deal more rationally, because, if he was able to induce the tenant to change his religion, he would not inflict any injury upon the public, whereas, by inducing him to vote for a person injurious to the public interest, he inflicts a public injury.

9487. Suppose any landlord was to say to his tenant, "you shall quit my land if you do not attend Protestant worship," do not you think he would be pushing the limits of authority much beyond the legitimate bounds?—Yes, and I think it much more injurious that he should insist upon his voting for a particular person whom his conscience does not consider the best person for the public good.

9488. You think a man's political conscience is as much to be protected as his religious conscience?—Yes, and besides that, a species of moral obligation must bind him to vote for the person who he conceives would be most serviceable to the public.

9489. Do not you think that if it were once established as a principle that the landlord ought to control the vote of the tenant, it would be expedient to introduce a covenant in the lease, binding the tenant to vote just as the landlord desired him?—Yes; I think if the Legislature were to recognize that principle at all, they would be doing a charity to the tenantry to deprive them of the power of voting altogether.

9490. Do not you think in the state of the Queen's County, it would be a charitable act to disfranchise the greater portion of the tenantry, who are on the one side stimulated by their priests and by popular clamour to vote for the popular candidate, and on the other, by their landlord to vote according to his interests?—I think it would, unless he was protected by secret voting, or protected in some way that the landlord could not injure him; and I must beg leave to remove the impression that men have been induced by popular clamour and by their clergy to vote contrary to their consciences; I never yet knew an instance of the kind, of men being obliged to vote contrary to their consciences merely by popular or priestly influence; but I have known hundreds of instances where men have been obliged to vote contrary to their consciences through the intimidation and persecution of their landlords.

9491. Have you any thing further that you wish to state to the Committee?—There is another species of intimidation resorted to, and that is where tenants generally sign leases almost without reading them, at least so far as regards clauses that are not likely to be acted upon, and among them is frequently inserted a clause of non-alienation; and in one particular case, in which I have a letter of a man, I will, with the permission of the Committee, read it to show the hardship that this man has been subject to, merely because he voted contrary to the will of his landlord: "Sir,—I am sorry to have to inform you on this day I have been informed by Mr. Phelan, that my cause under the subletting will be tried at Maryborough on Saturday next; I have a holding in ——— from ——— under indenture of lease

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lease, bearing date the fourth or fifth day of October 1827. I have twice voted for my country. I have let that holding under which I am now sued in order to break my lease; it is coming down, a record from Dublin. I have 13 *l.* a year profit thereout, and if it goes against me, I will be reduced to great distress. I am, &c. &c. —*N.B.* About five years ago, ——— himself gave me a verbal consent to let these lands, and I will find proof as to his giving the consent by his word, and you are well aware that there would be nothing about it, only for my voting the two last elections. You may as well charge ——— of this, as well as the rest of his venomous acts in this country: put it into all public newspapers. I am, after paying to Mr. ——— 3*l.* 12*s.* to defend in Dublin—he now says I must get nine guineas for three superior counsel again Friday next." There is also another species of intimidation, with regard to the registration, which must affect the elections; they are just as much persecuted by the landlords for registering, or even attempting to register, as if they actually voted against the landlord; also our barrister gives every sort of opposition, and in fact, holds out threats to the unfortunate men that come forward to register so much, that he says, "How should you like for your landlord to hear that you are able to afford 10*l.* a year more rent than you are now paying? and, my poor man, I would recommend you to take care how you come forward, which will perhaps injure yourself hereafter." Our county sent a petition against that gentleman stating those facts, and praying for some kind of redress, or an alteration in the Reform Act, so as to put it out of the power of the barrister to be able to intimidate, which has been lately laid before the House of Commons.

9492. Do you think that in consequence of his conduct men have not been registered that should be?—Yes, certainly.

9493. Have you ever heard of appeals from the barrister's court?—Yes, and the result was that they came before Judge Doherty and before a jury composed of men who attended at the sessions to swear away the freeholds of the men, and they were afterwards the persons to sit as jurors to determine the question, and the consequence was that very few of them were registered on the appeals.

9494. Did it appear that upon the appeal there was any different decision?—Yes, some that he refused to register were registered notwithstanding all those impediments.

9495. Was there any Roman Catholic upon the jury?—I heard there was one, and I heard his conduct canvassed very severely.

9496. When was the last registration?—In June 1835.

9497. Then the circumstances of which you are speaking occurred during the last month?—Yes, and there are many others; he told me himself that he considered the franchise was too much extended, and that he considered it his duty to restrict it as much as possible.

9498. Do you censure the judge before whom the appeal came, in the same way that you censure the barrister?—I have not even said that the barrister is subject to censure; I merely state the facts; what I say is, that if he is right in these observations, the law should be altered so as to remedy the defects.

9499. Whatever wrong the barrister did, did the judge do the same?—I think the judge did the same wrong.

9500. Did the judge abstain from making those comments?—I have not heard that he made any, but I complain that the barrister goes against the intention of the law. When the Emancipation Bill passed, the oath was to this effect: "I, A. B., swear, that a good and solvent tenant could afford to pay me 10*l.* more than I am now paying." The legislature changed it to these words: "I, A. B., do swear, that my holding is of the clear yearly value of 10*l.* beyond rent and charges;" evidently implying that it was not the landlord's rent that was to be the test in future, but the clear yearly value; that is, the amount that he made of his farm after his own necessary charges, and not the landlord's rent.

9501. Not a 10*l.* profit rent?—No, that would be the landlord's rent. The landlords of the county also have attended the registry, and intimidated, by every means in their power, the registering of the men; and besides having recourse to their own presence, and swearing that the land was not worth such a rent, they also got printed notices, in order to deter the people from registering those freeholds, one of which I have here; so that, under the present state of things, it is impossible, in the first place, that a constituency, such as the law intended, can ever be carried into effect in Ireland; and also, that even if they were registered,

it is impossible, under the existing state of things, that they can give their votes independently or conscientiously as they would wish.

9502. Will you read one of those printed notices?—It is entitled, "Hints to Landlords and Agents." This is an anonymous document, and it used to be thrown upon the roads in great abundance, that the men might pick them up when they came to register. The average value of land in the Queen's County is proved, by the sworn testimony of the tenants now in possession, to be at the rates following: good upland tillage and meadow, 4*l.* 4*s.* per acre; middling tillage and meadow, 3*l.* 10*s.* per acre; lowlands, bottoms, &c., 2*l.* 15*s.* per acre; mountain lands, 2*l.* 6*s.* per acre; very inferior ditto, 1*l.* 15*s.* per acre. At the close of this registry each landlord, or his agent, shall be furnished with a correct list of all his tenants who swear to the value of their holdings, and the full particulars proved on oath by each tenant, as a fair rent to be paid in future for their lands. Landlords will, by this means, be enabled to ascertain exactly who is entitled to indulgence or abatement from them, evidently showing, that if they were to go and seek to register them, if they had abatements, those abatements would be likely to be called in, and that if they were seeking abatements they would not be likely to get them; and also, that when the land was out of lease, they must expect to pay an increased rent; under those circumstances many staid away.

9503. You say that this printed notice was dropped upon the roads when the men were coming to register; do you know from what quarter it emanated?—Not positively; but there is a society called the Conservative Society, in the county, composed of the Orangemen, and those have made up money by private subscriptions, for preventing the registration of freeholders; they pay to two attornies 10*l.* a quarter, that is, 40*l.* a year each; and they pay a great number of witnesses to come forward and bring down the value sworn to, and I conceive that it is the same persons that have got this document printed.

9504. Do you suppose that the land is really of the value that the tenants swear?—If they swear to it, I suppose it is.

9505. If so, how was this notice a threat?—For this reason, that although the land might be strictly worth it, the man might expect that the landlord would not exact the utmost farthing when the lease was out; but from the feeling that now exists among the landlords generally, all entering into a conspiracy to prevent the registering of those men, they would naturally say to themselves, "If I do register now, I am almost certain that my landlord will inflict this rent upon me hereafter." There are numbers of tenants now living upon land on which they have an abatement, and they would expect that the landlord would draw in this abatement if they went to register in spite of the landlord. It is easy to suppose that a man may have his land too dear, and yet have it at less than what it would set for at a rack-rent, and therefore he may have 10*l.* a year interest in it.

9506. Can you conceive any possible object of these printed notices being thrown upon the road, except to deter tenants from coming to register?—None whatever. There was another notice which I have that went more directly to the point of deterring them than even that does.

9507. Where is the Conservative Society established?—In the county town of Maryborough, and at all the Orange Lodges.

9508. Do you know all the members of it?—I believe there are very few of the gentry of the country that do not belong to it.

9509. Do Lord De Vesci and Sir Charles Coote belong to it?—They do for any thing I know.

9510. Is there any political club established at Maryborough?—There is.

9511. Has that numerous members?—There are a good many whose names are in it, but there are few practical members; and, in fact, since the last election, there have been very few meetings of the club for practical purposes.

9512. Have you any thing further to say to the Committee?—Nothing further than to say, that I believe the greatest blessing the Legislature could bestow upon the people, in the present state of the country, would be to give them the vote by ballot; and also to put the question of registration in such a clear point of view that there could be no mistake in it.

Lunæ, 27° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Patrick Lalor, Esq., again called in; and further Examined.

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9513. MR. LALOR, I believe you have some additions to make to the evidence which you delivered to the Committee on the former day, will you state what it is?—Yes; it occurred to me, having heard so much of the improper interference of the Roman Catholic clergy.

9514. Explain what you mean by "having heard so much" about the improper interference of the Roman Catholic clergy?—Why, I heard persons had been examined here as to how far the improper interference of the Roman Catholic clergy went with regard to elections, and having seen a good deal relative to it in the public newspapers, and knowing some facts, or at least one fact, that referred to that subject, I thought it as well to inform the Committee of it.

9515. Then you believe the reports to which you allude exaggerated the degree in which the priests had interfered?—I think so extremely. It has been said, I believe,—I am sure it has by many,—that the Roman Catholic clergy have the power whenever they please to use it of coercing by improper influence the votes of Roman Catholic electors. As an instance that they have not, and how short their influence reaches comparatively with what is the general opinion, there is a clergyman in the parish in which I reside, a Roman Catholic clergyman, who the people considered took rather an improper part, if I may so say, in espousing a quarrel that arose between two freeholders in that parish, and the people generally, in this way: it is usual for the Catholic clergy to publish what are called stations for confession, at two periods of the year, about Christmas and Easter; those two men became very obnoxious to the people in the neighbourhood, not because they voted improperly, but because they did not vote at all; they were considered to have acted under the influence of a bribe, and, as I said, they were held as being very obnoxious to the people, and this clergyman, notwithstanding, published that he would hold a station for confession at the house of these two persons, as he had been in the practice of doing on former occasions. A deputation was sent to him to request of him not to do so, inasmuch as these men had acted improperly; however he persevered in doing it, and on the next Sunday he did so publish this station, and almost the entire of the congregation left the chapel, and some of them went so far even as to speak in the chapel, reprobating his conduct; they left the chapel and did not attend it for many Sundays; they have not gone to his mass even yet, in the same numbers that they used, and many of them have since refused to speak to him; and in fact, he is held as a person who has acted against the interests of the people, and I am certain was he now to exert any influence, or try to do so, in any political point, he would utterly fail, and I am quite of opinion that would be the case with every single priest, or the whole of them together, were they to act in contradiction to the opinion of the people generally.

9516. You wish it to be understood then, that the priests only have influence in election matters, so long as they go along with the pre-established opinions of the people?—Exactly; when once they go in opposition to that, they have not the slightest influence whatever. In looking over the evidence I gave the other day, I saw a question which had been asked me, and the answer given to it, which perhaps I did give, but if I did give it, I gave it in error, and wish to correct it.

9517. What was the question in substance?—It related to our sitting barrister, Mr. Schoales, I mentioned his having made use of expressions on the bench which I detailed in a former answer, and I was asked,—or at least it appears on the evidence now, as I have read it—I was asked if I was by at the time of his saying so, and it is there mentioned that I said I was, but I have now to say that I was not; but I have it from such authority as I have no doubt about the truth of it.

9518. You have it from a person who was there?—Yes; from several persons.

John Looby, called in; and Examined.

John Looby.

9519. WHERE do you reside?—At Clonmel.

9520. What is your profession?—A miller.

9521. Are

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John Looby.

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9521. Are you a master miller?—A foreman miller; we call our employers the master; I have been the foreman.

9522. Who was your master?—Mr. David Malcomson.

9523. Have you a vote for the borough of Clonmel?—Yes, I have.

9524. Were you canvassed by any persons previous to the two last elections?—I had been canvassed by Mr. Bagwell.

9525. By any of Mr. Bagwell's friends?—No, sir, by himself personally.

9526. Did you vote for Mr. Bagwell?—No, sir, I voted for Mr. Ronayne.

9527. Did you vote for Mr. Ronayne at both elections?—No, sir; at the first election I had been canvassed by Mr. Bagwell, he called on me, and I told him that I could not give my vote until the day of the election, I was not prepared then; the election came on, and I told Mr. Ronayne, in case he wanted me, that I would vote for him; Mr. Ronayne had a sufficient majority without me, and he did not call on me.

9528. Why did you tell Mr. Ronayne that you would not vote for him, unless he wanted you?—Because I was certain I would be disemployed.

9529. Who by?—By Mr. Malcomson.

9530. By your master?—By my master.

9531. Had your master told you so?—No, sir, he did not.

9532. Had he ever hinted it to you?—Never hinted it more than this, that a long time previous to the election—I never had a vote before, I was only a young householder—and he said to me, "Have you pledged yourself to any of the candidates?" "No, sir," says I; I did not know the drift of what he meant. "You are not pledged?" said he; "No," says I to Mr. Joshue Malcomson. He never said more until the election came about; but he had a clerk, a cashier, in his office, who called me in several times at the first election, stating, if I voted, what would be the feeling of Mr. Malcomson, that he would not wish to keep any man in his employment who would go against him.

9533. The clerk said so?—Yes, the cashier; and there was an out-agent of Mr. Bagwell's, the beaten candidate, who came to the office from his committee-room. I had been at my business at the mill, and I had been sent for to come to the office; I did come; and the messenger asked me to go down to the committee-room; I asked the messenger what he wanted with me? "Mr. Labarte, the acting agent of Mr. Bagwell," said he, "wants you." "What does Mr. Labarte want with me?" says I. "I do not know," says he; "are you in dread to come?" The cashier stated to me, "John, you can go if you like." I said, "I thank you, you always give me liberty to go when I require it; but I now want to know from the messenger what Mr. Labarte wants with me; I do not know what business he has with me." He said, "It is your employer wishes you should go down." I said to the messenger, "Did Mr. Labarte send for me?" Says he, "No, he did not, but I know it would be his wish you should go." "Well, if Mr. Malcomson sends for me, I will go," says I. "Are you in dread to go?" says he. "No, I am not in dread," says I, "but Mr. Labarte has no business with me, and if Mr. Labarte sends for me; I want to know what he wants with me."

9534. Is the gentleman that you mention the town clerk?—Yes, the town clerk of Clonmel.

9535. Was he agent for Mr. Bagwell?—He was agent for Mr. Bagwell at the two last elections.

9536. Then at the second election did you vote?—I voted at the second election.

9537. Well, what was the consequence?—The consequence was, I have been discharged.

9538. Who discharged you?—Mr. Joshue Malcomson.

9539. How long after the election did he discharge you?—The second day after the election I got my discharge, which I can show you.

9540. Produce it, will you?—This is it.—[*The following Paper was then read:*]—"John Looby worked with us as miller for upwards of seven years, during which time he conducted himself to our satisfaction, being sober, honest and attentive to his business. We now discharge him, having first paid all wages. Clonmel, 1 Month 21, 1835. David Malcomson & Sons."

9541. Did you receive any verbal dismissal before you received that discharge?—I did.

9542. On what day, and under what circumstances?—I had been canvassed by Mr. Bagwell a fortnight previous to the election; he came and solicited my vote; I told

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I told him, "I could not give my vote." "Why?" says he, "I have promised my vote to Mr. Ronayne," says I. "Why," says he, "will you give it to Mr. Ronayne, what can he do for you? he is a stranger." "Why, Mr. Ronayne, from what I can see, can do more for me than you think," says I; "since I have seen both the addresses in the papers, I have made up my mind to vote for Mr. Ronayne." I had been only a young householder, two years keeping house, and I felt that I paid ministers money that I had no right to pay. Mr. Ronayne went the full length in his address of saying, that he would vote for the total abolition of it. Mr. Bagwell would not do that. "Then," says I, "I have made up my mind to give my vote to Mr. Ronayne."

9543. Was any body in the office at the time?—The cashier was in the office.

9544. Did the cashier say any thing?—He said nothing at the moment. Mr. Bagwell was in the act of going out of the concern, when he returned and said, "Might I depend on you stopping back?" "No," said I, "if my single vote would return Mr. Ronayne, he shall have it." "Then," says he, "at a future time I hope you may vote for me."

9545. You say, that the cashier said nothing at the time, did he say any thing afterwards?—He did.

9546. What did he say?—A fortnight after I had been called into the office, he asked me, "John," says he, "what is the reason you would not give your vote to Mr. Bagwell?" "Why, sir," says I, "I promised Mr. Ronayne, and I would not break my word." "John," said he, "do not you know that if you vote for Mr. Ronayne that Mr. Malcomson will be angry with you; he did not tell me to say what I am going to mention to you, but I can tell you, that he will be very much displeased in case you vote for Mr. Ronayne." "Well, sir, I cannot help that, I intend to vote for Mr. Ronayne," said I. "Do not you know, John," said he, "that he was very kind to you?" "He was, sir," said I, "as far as he paid me what I earned." "Well," said he, "I have to tell you, that the old master Mr. Joshue and Master David will be very angry with you, that is my opinion, in case you vote for Mr. Ronayne." Well, there had been interruptions at different times during this conversation from persons coming in, it being a public office for the sale of bran and pollard. I walked out at that time, but was called in the next day. I had been called in frequently until the eve of election; I assure you my mind had not been easy going home to my family for a fortnight; the reason was, that I had a good employment, but still wished not to go against my conscience. I thought I had no right to pay ministers money, and would give my vote to him whom I thought would, as far as his vote would go, to abolish it.

9547. When was any thing said to you first about quitting your employment?—The night previous to the election.

9548. Who spoke to you?—I will repeat to you what happened verbatim. The evening previous to the election I had not been apprised, as I usually used to be, that I was to be up that night, for generally any machinery that was out of order in the daytime I received directions to have it repaired at night, so as to be ready to work the following day. I had been apprised the evening previous to the election that there were new brushes to be put into the flour machine. I went home, was in the act of taking a cup of tea, when the steward came in and told me I was to be up that night. "Very well, sir," said I, "I shall attend; what is the hour?" "About ten o'clock," said he. I went to the mill at ten o'clock, or a few minutes afterwards, to get what little materials were wanting for it, brushes and one thing or another; I had the machine done at four o'clock in the morning; worked hard at it, never knowing the drift in having me up that night. After the job was finished, I came down and sat opposite the kiln fire; I had not been there long when I was tapped on the shoulder by the steward; he slept in the mill: "John," said he, "is the job finished?" "Yes, it is," said I. "You are wanted in the office," said he. I went, and saw Master David Malcomson: 'John," said he, "I want you down to Pouldrew Mills." "What, after having been up all this night! it would be rather severe for me to go now," said I. "Oh, come, come now," says he, "get yourself ready at once, and come away." Said I, "What might be said now, in case I went away, but that I was bribed?" "Oh," said he, making answer, "I want to have nothing at all to do about elections; but come with me, I want you to come to my mill." "Master David," says I, "that is too severe after a hard night's work to require of me, but stop until three o'clock in the day, and I will go with you." "Oh, come, come," says he, "John, put on your clothes at once, come off," says he, "to the mills." "Well, sir, stop for a moment," says.

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says I; I wanted to collect myself, he being rather a good employer, with the exception of his wanting me to go against my will and my conscience; they paid me what I earned honestly. I went over to my house, which was about 100 yards from the mill door, and apprised my mistress. "Why," says she, "it is very hard to ask you to go out of town after a hard night's work." I had not been there more than five minutes when the steward ran after me, and said, "John, what is keeping you?" "Well, sir, I have made up my mind not to go," said I. "Come, John, I have nothing at all to do with that," said he; and I accordingly went to the mill again; there was a horse and gig at the door, and a person, as I should suppose him to be, his brother, holding the reins of the horse, and a coachman's cloak wrapped round him. "John," says he, "are you ready to come with me?" "No, sir," said I, "I am not." "Is that what you are going to do," said he, "after all the kindness that we have shown you?" "Master David," says I, "I will go with you to any place if you will allow me to three o'clock in the day, but I cannot think of going now;" I wanted him to have allowed me to have stopped until three o'clock in the day, and then I would have voted. "Well, take your choice," said he, "to go into that gig now, or to walk out that door." "Well, sir, I will walk out the door;" I walked to my own house, and I assure you I thought myself to be a discharged man out of their employment. He overtook me, he got into the gig, and whipped the horse as hard as possible. Now my mistress happened to be at the door: "Mrs. Looby, is it not a hard thing that John will not come with me?" says he. "Sir," says she, "it is rather too severe after a hard night's work to ask him to go with you now." Said I, "If you will allow me until three o'clock, I will go with you." "No," was the reply. "Come now," says he, "and I will make you comfortable, and any money that Mrs. Looby wants she can get it at the office." "Allow me until nine o'clock, sir," said I. "But you will vote before nine o'clock," says he. I said, "I would." With that he drove off, and I walked in and I told my wife. "It is a bad job," says she. "There is no help for it," said I, "I will not barter my conscience, I will go as my interior dictates to me." I cleaned myself and repaired to Mr. Ronayne's lodging with a gentleman of Clonmel; I told Mr. Ronayne what had occurred as I have repeated to you, nearly in the same words; Mr. Ronayne started and said, it was very severe, and that they were nearly done, as he supposed. I left Mr. Ronayne, and I had not seen him for a good part of the day. I went home about, as I might think, nine o'clock in the morning, and Mr. Joshue Malcomson, who is the senior brother, sent his cashier for me to my house again to come to his office. I went over with the cashier: "John," said he, "are you prepared to go with Master David to Pouldrew Mills?" "No, sir," said I, "I am not." "Why so?" said he. "I mean to vote," says I, "and then I will go to any part that you will require me to go after voting." So in the interim between he and I speaking, Mr. Ronayne and some other gentlemen passed by the window; they were apprised that I was inside; I was locked in the office at the time; the moment they got me in the office they locked the door, Mr. Joshue Malcomson did; he perceived Mr. Ronayne coming in: "David," said he, "turn out them fellows." Master David Malcomson went out, and what occurred between him and Mr. Ronayne, I cannot say, because I heard nothing in the office at the time, but I suppose that there were some angry words, for I could hear only the noise, and I said I would go out and settle the affair at once. Mr. Joshue Malcomson thought to keep me inside, but I went to the door and unlocked the office door myself and walked out; I could hear nothing that occurred outside, but I asked the gentlemen: "Is it me you want?" "Yes," said one of the gentlemen, making answer. "I am with my employer, but I will be with you in a few minutes," says I, returning in from Mr. Ronayne and the gentlemen that accompanied him. I went into the office, and they went away. "Well now, is not this pretty work?" says Mr. Joshue Malcomson. "Well, what can I do?" said I; "if you receive any harsh language in the street, how can I help that? have you seen me a moment absent from my business? I have been eight years with you all but two months, and you have nothing to say against me, only this alone, that I am going now to vote as I think proper: you vote for your principles, and why not allow me to do the same?" "Then we can never look on you again," said he. "I cannot help that, sir," said I. There were some persons coming into the office just at that time, and I walked out. I went down the street, and I remained that part of the day away, until the next, and I voted the next day for Mr. Ronayne. The day after I voted, I called in at the office to know whether I was to be employed or discharged. Mr. Joshue Malcomson was not there. I was desired

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desired to call again. I left word for Mr. Joshue Malcomson, that I had called there. I called the second time, and he had not been there. Well, the day after I called I met with him; he was standing by the office fire: "What do you want?" said he, when I entered the office. "Mr. Joshue," said I, "I come to know whether I am to be employed or discharged." "What!" said he, flying into a passion, "have you the face and assurance to come to look to be employed after what you have done?" "What did I do, sir," said I; "have you any thing to say against me during the eight years all but two months that I have been with you?" "No," said he, "only voting for that scoundrel who called my brother a ruffian, and if I had it in my power I would string him and the priests up;" he used the word string to the best of my knowledge. "Well, we can never look on you again," said he, "with the same confidence, nor can we think of having you in our establishment." "Well, sir, there is no help for it," said I, "I only voted according to my principles." "We can never look on you with any respect." "Well, sir," said I, "if I thought you did not respect me as I merited, I could not think of living in your concern. I have taught four apprentices in your establishment; they are now well able to work, and you have nothing to say against me, only voting as my principle directed me." "No," said he, "we never can look on you as the same;" and he repeated those words several times. "Well, there is no help for it," said I, "all I expect is my discharge, and I hope you will give me my merit." He gave me my discharge.

9549. Did he give you this discharge at that time?—Not that day: "My time is rather taken up now," said he; and I called the next day with the expectation that he would forget things, for I was advised by some friends to take him coolly after a day or two, or I believe three days, thinking that his passion would then be over; so I did, but it was all of no use, he wrote that discharge which you have seen; not that indeed, but another, which I did not think fit to receive, having been principal miller for him for eight years, where there was, I believe, on an average, 40,000 barrels of wheat manufactured in a year, and I the principal miller, mounting the machinery, and seeing that every thing was well done to his satisfaction.

9550. You say he wrote something else, did you receive that?—I did; I returned it, I did not think it a suitable one.

9551. What was the substance of it?—It was not so fair a one as the present, and I made an objection to it.

9552. Did you make an objection to it on your first receiving it as not being sufficient?—Yes, as not being sufficient for the capacity which I held in his concern, and the objection which I made to that one which you now have in your hand was, that he left out "principal or head miller."

9553. When did you receive this?—Three or four days after the election.

9554. When did he give you the one which you returned?—The day previous to receiving that.

9555. How many days was it after that conversation which you have been just detailing about stringing up the priests?—It was three days after that.

9556. And the day after you received this?—Yes.

9557. What was your objection to the first?—I did not think it sufficient for me to take to show to any gentleman, there was neither "principal" nor "head miller" mentioned.

9558. But the first one I am speaking of?—In the first one it was not mentioned "that he had conducted our business."

9559. This is as follows: "John Looby worked with us as miller for upwards of seven years, during which time he conducted himself to our satisfaction, being sober, honest and attentive to his business; we now discharge him, having first paid all wages. Clonmel, 1 month 21, 1835. David Malcomson & Sons." Now will you you state what there is contained in that which was not contained in the one before that?—I will give you an idea of what was in the one I received before this: "John Looby worked with us as miller 'for upwards' of seven years;"—"for seven years" the other was;—"during which time he conducted himself to our satisfaction, being sober;" this had been in the other, "he conducted himself sober, honest and attentive to his business;"—"conducted himself to our satisfaction" is what he has put in this.

9560. And that was omitted in the first?—Yes, "sober, honest and attentive to his business." Then it was the cashier handed me that; Mr. Joshue wrote it. I made an objection: "Well, John," said he, "I will show this to Mr. Joshue when he

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he comes in." "Has he any thing to say against me?" said I. "No, John," says the cashier, "I do not think he has, he could not have any thing to say against you."

9561. The cashier said that?—Yes; "and I have no doubt he will give it to you as you require," said he; he omitted this, "principal or head miller," because why? many a man might act as a miller, he might be a night miller or an assistant miller, but I was a general miller, I am a general workman, I know how to repair stones, to dress stones and mount machinery, and see corn kiln-dried; and I know how flour should be dressed, lofts kept in order, and every thing of that kind.

9562. In fact, you are acquainted with every part of the business of a flour mill?—Yes.

9563. You are a millwright, I suppose, are you not?—No, I am not.

9564. But you went to repair machinery?—Yes, if a machine is out of order, the iron about it; or if it wants new brushes in the interior of the machine, I mount those new myself.

9565. That is the duty of the head miller to do, is it not?—Yes.

9566. Did you enter into Mr. Malcomson's service very young?—Yes, I did.

9567. What age were you?—I was born the 5th February 1804 or 1805, and I entered his service on the 16th April 1827.

9568. Are you aware of any other case of your own knowledge in which persons have been deprived of their employment in Clonmel in consequence of their votes?—Yes, sir, I am aware of one man who voted previous to me, and who was discharged, but was taken back again, he was discharged for one day; he is a man named Tom Hill.

9569. He was discharged for one day?—For one day, and then taken back again.

9570. Do you know whether he had been previously threatened to be turned out?—No, sir.

9571. Or were you ever told that he would be turned out?—No, sir, but I knew of intimidation being exercised in many parts of Clonmel.

9572. You knew of intimidation being used in many parts of Clonmel?—Yes.

9573. Can you state any instance of it?—Yes, sir, I have known of the opposite party, that is, the party belonging to Mr. Bagwell, I have known them take their custom from the butchers of Clonmel, and give it to others in another part of the town; I have known them completely leave them and their custom behind on account of voting for Mr. Ronayne; those persons are supported as yet, but they are going back again to the others; the gentlemen had to return to their butchers who they took their meat of before.

9574. The gentlemen had to return to their butchers?—They had to return again.

9575. Why?—I believe, to the best of my knowledge, through the incapacity of the others to serve them.

9576. Do you know this from the butchers themselves?—Yes, and I have been an eye-witness myself at their houses to see the meat killed; and one man named Holway, who never was a butcher, who never served his time, he had a bad description, or rather, a poor description of workmen who worked for him.

9577. You mean the new butchers?—Yes.

9578. You have seen the meat killed in their houses?—Yes.

9579. But with regard to the old butchers, how do you know their custom was taken away in consequence of their votes?—I heard several of them say they never regretted giving their votes, but I heard them say it was a hard thing upon them, who had been there for so many years, and nothing could be brought against their body, which is a respectable body of men, nothing could be brought against them, only that alone, of acting as their consciences directed them.

9580. Did the butchers all vote for Mr. Ronayne?—I believe there was not a single exception.

9581. Who canvassed you for your vote on the part of Mr. Ronayne, any body besides Mr. Ronayne?—Mr. Bagwell did.

9582. I mean, did any friend of Mr. Ronayne? Did the priests canvass?—No, the priests never canvassed me; nor to my knowledge did a clergyman ever interfere with my vote ever more than this; nor do I think did a clergyman ever intimidate any man as a Roman Catholic—I speak the sentiments of my mind—no clergyman ever intimidated me, or called on me for my vote; he made use of one

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expression to me: "John, are you going to vote?" said he. "I am going to vote for Mr. Ronayne," said I; that was an occurrence after I came down the street, but I have never been canvassed by a clergyman. My mind was made up after I saw the two addresses in the newspapers to vote for Mr. Ronayne; nor do I think a clergyman ever intimidated a man more than this alone; he would tell him not to receive a poor petty bribe. It has been known in Clonmel, which I believe Mr. Ronayne can tell you, that there is one man who received 3*l.*

9583. How do you know that?—From the man's lips who made affidavit before the mayor of Clonmel that he received the money.

9584. Do you mean you had it from the man who made the affidavit, or you heard him make the affidavit?—I heard it from the man who made the affidavit, and I heard it from fifty others; I heard it from the man's wife; the wife, I believe, was the first who got the money; he is a watchman at Clonmel.

9585. Have you heard of any other person being put to expense or inconvenience in consequence of having voted for Mr. Ronayne?—Yes, sir, there is my father-in-law; my father-in-law is a man of property in Clonmel, he holds all his property and houses. Mr. Bagwell is head landlord. My father-in-law pays a certain sum for the ground-rent of these houses. Some years he would let this ground-rent run on, it was so trifling a thing that he would let it run on probably for one, two, three or four years, say three, for fear I should overstate it. Well, the agent and my father-in-law were so very free that he told him not to mind it; to the best of my knowledge he sent this money by his son, and the son told the father that Mr. Douglass, Mr. Bagwell's agent, desired him not to mind paying it till some other time, whether he was busy or not, I do not know; I expected to have had the papers before now, which would have enabled me to see the particulars with respect to my father-in-law. I live in one of the houses, I live in a house now which was tenanted at that time; I believe there were seven tenants in the house in some rooms, but who were served with a notice not to pay any rent, and this has been the particular cause; they were sent by the town clerk, Mr. Labarte; I cannot exactly tell you the particulars more than this, that immediately when they were served they took up these notices. My brother-in-law and father-in-law repaired to Mr. Douglass' office; Mr. Douglass told them, "I will have nothing to do with you, go to Mr. Labarte;" so he went to Mr. Labarte with the sum, which he thought the full amount, the head rent: "You will have to look very sharp," was the reply, "or I will send it to the upper courts, and you will have to pay more."

9586. How much was the amount of the demand?—Four pounds odd, 12*s.* or 16*s.* to the best of my knowledge.

9587. And what arrears were then due on it, or were there any due?—Not more than that.

9588. The annual sum is 1*l.* 16*s.* is it?—Yes.

9589. Then there were about three years' arrears due?—Decidedly.

9590. Were there any expenses to be paid besides, in addition to that 4*l.* 16*s.* in consequence of serving you with notice?—There was 8*l.* odd shillings. The documents will be here.

9591. You stated, you made up your mind to vote for Mr. Ronayne after reading his address?—Yes.

9592. Did you read the address of Mr. Bagwell?—I did.

9593. Have you got a copy of Mr. Ronayne's address?—I have not.

9594. What was it in that address which particularly influenced you in making up your mind?—I will tell you from the first to the last. I had been three years a householder. I live opposite the Globe in Clonmel; I was in the spirit business; I paid an annual sum, minister money,—it is called church rates, to the best of my knowledge. I pay that rate, and I thought it better then that that money should be left in my pocket, than with those who received it; then knowing it was by a majority of votes in the House of Commons that this burthen should be taken off my shoulders, and many like me in that country, I then made up my mind to give my vote for those who would vote for the total abolition of the minister money.

9595. Were there any persons in the employment of Mr. Bianconi of Clonmel, who voted at the last election?—There were.

9596. For whom did they vote?—There were two Protestants in his employment, they voted for Mr. Bagwell.

9597. Is Mr. Bianconi a Protestant or Catholic?—A Catholic.

9598. What

9598. What part did he take at the election?—No further than this, that I believe he gave his vote, and wished his friend, Mr. Ronayne, to be returned.

9599. Did he himself vote for Mr. Ronayne?—He did.

9600. Did he attempt to influence the two Protestants in his employment to vote for Mr. Ronayne?—He did not, he did the reverse.

9601. Did he discharge them after they had voted for Mr. Bagwell?—He did not; quite the reverse; he went in, I believe, and asked them what they intended doing; he said, "Of course you are at your own will."

9602. Did you hear this conversation?—No; I heard it from his lips, I have heard it from Mr. Bianconi, and I suppose he is a gentleman who would not tell a lie. Mr. Brown is rather a respectable man, but the other is not so good a character as Brown.

9603. But you heard what you have been now stating from Mr. Bianconi himself, did you?—I did. He said he would rather they should go with his friend, but they were at liberty to vote for whom they pleased. I heard Mr. Bianconi also state at Mr. Herne's hotel, that he received, both he and his agent, abuse from one and the other; "but," said he, "I would not discharge them on any account, they answer my purpose, and I will not discharge them as long as they suit me."

9604. What do you mean by Mr. Bianconi having said he received abuse from both sides?—To the best of my knowledge, the feeling I took from his expressions was this, that they gave abuse purposely that he might discharge them.

9605. Who abused Mr. Bianconi?—Not abused, but received ill language.

9606. Well, who used the ill language?—These two men whom he had in his employment; both he and his agent they abused.

9607. Who is his agent?—Mr. Herne.

9608. Who is he agent for?—Mr. Bianconi.

9609. Did the agent abuse Mr. Bianconi?—No, sir; I say I heard Mr. Bianconi repeat these words: "I have two men in my employment," said he, "and see how differently I have acted from Mr. David Malcomson."

9610. I want to know who were the persons who abused Mr. Bianconi and his agent?—One person named Brown, and another named Reynolds.

9611. What are Brown and Reynolds?—One is a coach maker and the other a coach painter.

9612. On what ground did they abuse Mr. Bianconi?—I never asked Mr. Bianconi, or heard it, but the inference I drew from his expressions was only this: I think they wanted to be noticed by being discharged.

9613. Which way did Brown vote?—He voted for Mr. Bagwell.

9614. Which way did Reynolds vote?—For Mr. Bagwell.

9615. Then how do you account for Mr. Bianconi saying he was abused by both sides?—I will repeat his words: "I received ill language, both me and my agent, from both these men."

9616. Were Brown and Reynolds the two men in Mr. Bianconi's employment?—Yes, sir, and one of them I believe is, and for years has been.

9617. Are those the two men with respect to whose votes we have been discussing?—Yes.

9618. Was Mr. Bianconi an active partisan himself for the opposite party?—He voted for Mr. Ronayne, and to the best of my knowledge, he went so far as to wish to have him returned.

9619. What sort of a character is Mr. Malcomson?—Why, to the best of my knowledge, as an employer he is a very good one.

9620. Is he a very passionate man?—He is not; at times he is a man who might speak very rashly just for a moment, but forget it in a short time again.

9621. Is there not more than one Mr. Malcomson?—I will state to you. There is the father, old Mr. Malcomson, Joseph, Joshue, David, William and Thomas.

9622. Which is the gentleman you have the dealings with?—Mr. Joshue.

9623. Is Mr. Joshue a passionate man?—Rather so at times.

9624. Is he a sensible man?—He is.

9625. Are the others?—Yes.

9626. They are extensive manufacturers, I believe?—They are.

9627. And as useful and respectable men as any in the country?—Yes, they are; old Mr. Malcomson is, I should suppose, one of the best employers in the south of Ireland.

9628. He is an extensive cotton-manufacturer, is he not?—Yes, he is.

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9629. One of the very few extensive manufacturers, I believe, either in the midland or southern parts of Ireland?—Yes; he has done more in the way of employment for the poor in that side of the country than any other man that I know of.

9630. I think you stated just now that he said to you that Mr. Ronayne and the priests he should like to see hung up together?—That was his son Joshue.

9631. Why did he join the priests with Mr. Ronayne, have you any idea?—He said if he had his will (as near as I can judge, that was the expression he made use of), "If I had my will," he said, "I would string both him and the priests up," raising his finger in this way.

9632. Can you surmise any reason for his thus wishing to hang up Mr. Ronayne with the priests?—No, I cannot.

9633. Can you suppose any reason for his wishing to hang up Mr. Ronayne and the priests?—No, not any.

9634. Why do you suppose he wished to put them on the same string?—I do not know any reason why he should wish to hang up Mr. Ronayne and the priests on the same string, more than this, that the clergy went very far in the way of telling their flocks not to receive a bribe; to my knowledge I never knew a clergyman use intimidation to any one; no clergyman ever intimidated me.

9635. And do you think Mr. Malcomson was anxious that people should take bribes?—Certainly not.

9636. Then if he was not, why should he wish to string up the priests because they exhorted the people not to take bribes?—I was asked, if I did not like to vote, by the cashier to leave the town.

9637. Now, is not Mr. Malcomson a very well-conducted moral man?—Yes, he is.

9638. Did it not strike you as extraordinary that a man of that description should be angry with the priests, because they exhorted the people not to take bribes?—It did.

9639. Did it not make you desirous to inquire why this moral upright man should be angry with the Roman Catholic clergymen for exhorting the people not to take bribes?—Mr. Malcomson was so strenuous an advocate for his party, that I consider he would go any length to return Mr. Bagwell. When Mr. Bagwell first addressed the inhabitants and householders of Clonmel, his address was not so liberal as Mr. Ronayne's, it did not go so far. I have not heard Mr. Malcomson say what I am going to repeat, but I have heard it,—I have seen Mr. Malcomson, and I believe, to the best of my knowledge, he told Mr. Bagwell he would return him for Clonmel. I have heard Protestants say they blamed the Quakers, after Mr. Ronayne was returned the first time; that if they had the power themselves, the Protestants of Clonmel would have returned him. The people of Clonmel and the country surrounding Clonmel, were very much for returning, of course, the member who would take the burthen off their shoulders, through his vote in the House of Commons; and as is the case generally at elections, there was a great deal of bawling and screeching and shouting by the mob; more than that I do not know; he wished to return Mr. Bagwell, and he was a strenuous advocate for the return of Mr. Bagwell.

9640. Do you recollect the question which I put to you? I want to know why Mr. Malcomson wished to string up the priests; why he should be angry with the priests for exhorting the people not to take bribes?—Because there was a case proved where a man, as I explained before, received 3 *l.*; after the clergymen heard this, they felt, to the best of my knowledge—(because I cannot tell what the minds of the clergymen might be)—but in general they felt that the people would be tormented by out-agents offering those bribes. The clergy felt then, I believe, as far as I can judge, that they wished to prevent the people taking bribes; but that is all I can say, that they would endeavour to keep them from damning their souls.

9641. Do you really think Mr. Malcomson was angry with the priests because they were endeavouring to prevent the people from damning their souls,—do you think that of Mr. Malcomson?—I really do not know his feelings, and I could not even anticipate his feelings.

9642. Would you call him a very moral and good man if you thought he was capable of being angry with the Roman Catholic clergy for exhorting the people not to damn their souls?—I do not think Mr. Malcomson, to the best of my knowledge, ever was angry on that point at all.

9643. I thought you told me that was the reason he was angry with the priests, and that he should like to string them up with Mr. Ronayne, because they were exhorting the people not to take bribes?—I say Mr. Malcomson, of Clonmel, is one of the first and highest Quakers in that town, and he felt hurt at whatever words happened to pass between Mr. Ronayne and himself; and when I asked for my discharge, he said, "Have you the face and assurance to ask me that after what you have done?"

9644. You do not think the reason why Mr. Malcomson was so willing to string up Mr. Ronayne and the priests was that the priests were endeavouring to prevent the people from taking bribes?—I could not anticipate the reason whatsoever.

9645. Do you mean to say the priests took no other part in this election than endeavouring to prevent the people taking bribes?—On my word, I do not think the clergymen ever took part more than that alone.

9646. Nor ever had?—No, never.

9647. You believe they took no other part than in wishing to prevent the people taking bribes?—I believe no other.

9648. That the Roman Catholic clergyman took no other part?—No.

9649. Were you at the election?—Yes.

9650. Did you see any Roman Catholic priest at the election?—No.

9651. Not one?—Not a clergyman.

9652. Were you there during the whole election?—No, I was not.

9653. How long were you on the hustings?—Only about ten minutes.

9654. During those ten minutes you did not see any priest?—No.

9655. Does Clonmel chiefly belong to Mr. Bagwell?—I may say he is lord of the soil.

9656. Clonmel stands on the soil, does it?—Yes.

9657. He is proprietor of the town of Clonmel?—Yes.

9658. As to those expressions of Mr. Malcomson, is it your belief that bribery was one of the principal means by which Mr. Bagwell and his supporters maintained their ground at the election?—It is.

6659. It is your belief that bribery was one of the principal means by which Mr. Bagwell's interest was supported?—To the best of my knowledge there are a great many persons in Clonmel that were bribed.

9660. Then if the priests exerted themselves to put down this system of bribery, which you believe to have been a very efficient instrument in the hands of Mr. Bagwell, was it not natural that an ardent partisan should have been carried away even to an expression of that sort which perhaps was partly jocular and partly serious, "that he should like to string up Mr. Ronayne and the priests together?"—He might have something against Mr. Ronayne that I am not aware of.

9661. Do you know a man of the name of Mara?—I do, sir, he is a watchman.

9662. Did you ever hear that he was bribed?—I did.

9663. Who from?—By the agent of Mr. Bagwell.

9664. But from whom did you hear he was bribed?—Both from the man himself and his wife.

9665. How did they say he had been bribed?—It was the wife I heard repeat how the money was given. They live in a small lane in Clonmel, and this man, named Morrissy, was the out-agent of Mr. Bagwell, who gave the money, to the best of my knowledge—I cannot say whether it was to the wife or the husband.

9666. This fact you were told both by Mara and his wife, were you?—Yes.

9667. Did you ever hear that they had sworn any affidavit about it?—Yes, I did; I heard that Mara had sworn an affidavit before the mayor.

9668. You heard he had sworn before the mayor?—Yes.

9669. Did you hear what the amount of the bribe was?—Three pounds, I heard.

9670. Are these notes of the bank at Clonmel? (*showing them to the Witness.*)—Yes, sir, I think they are.

9671. They look like them, do they?—Yes, sir, they are notes of the provincial bank of Clonmel.

9672. When did Mara mention to you that he had been bribed—when was it he told you?—I heard it from different people previous to his telling me. I asked how it was he received it; says the wife, "The moment I see him, I desired the villain to be gone."

9673. When was it he told you he had been bribed?—Between a fortnight and three weeks after the election.

9674. When was the election?—Early in January.

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9675. Then it would be somewhere about the end of January?—Yes.

9676. Which way did Mara vote?—For Mr. Ronayne.

9677. After you had been discharged by Mr. Malcomson, did you make application for employment to any body else?—I did, sir, not for a length of time, nor did I see a vacancy in Clonmel until there appeared in the Tipperary Free Press an advertisement for a miller.

9678. An advertisement in the Tipperary Free Press for a miller, you say?—Yes, from Robert Samuel Grubb.

9679. Another Quaker?—Yes, sir.

9680. Did you make application to be empoyeld with Mr. Grubb?—Yes, sir; I met Mr. Grubb in the street; he and I were most intimate: "Sir," said I, (saluting him), "I perceive that there is an advertisement in the Tipperary Free Press for a miller." "Yes," said he, "there is, and I did that particularly that every one might be at liberty to apply to me for the situation." He walked down a bit with me: "And have you any objection, sir," said I to him, "to employ me?" "No," says he, "there is not a man in Ireland I would employ before you. But this," said he, "Mr. Malcomson feels very much hurt." "Why, sir," said I, "he ought to forgive that now, at all events." "Well, be patient," said he, "I was speaking to Mr. Malcomson," said he, "and will speak to him again." "Well, sir," said I, "I will speak to Mr. Malcomson, I will ask him has he any objection to me, or has he any thing to say against me?" "No, no," said he, "do not, I will speak myself," said he. "I hope then, sir," said I, "you will have no objection to taking me." I must tell you, gentlemen, I should have been very badly off; I have a little family, and my sole support was that of what I could earn, and I had between 60 and 70 guineas a year from Mr. Malcomson, with what I was paid for night work; I had 3 *s.* 4 *d.* a night and 10 *d.* allowance, that made 4 *s.* 2 *d.*; probably I might be up two or three nights in the week repairing his machinery, to have it in order by the next day; that, with my regular wages, accumulated up to the sum I have spoken of. Then, sir, were it not for the kindness of gentlemen at Clonmel who thought I was an ill-used, a badly used man by Mr. Malcomson, they contributed some little towards my support; Mr. Hackett, Mr. Lacy, Mr. Stokes and Mr. Bianconi gave me some little means of preventing me and my little family from being very much distressed; I had no other support. I was going to observe about Mr. Grubb, said I, repeating the words again, "I hope, Mr. Robert, you have no objection to me?" Again said he, "There is not a man in Ireland I would have before you; but for 100 *l.* a year I would not have a man in my employment that Mr. David Malcomson would have any thing against."

9681. Did Mr. Bagwell employ any bludgeon men at the election?—He did, sir, the greatest ruffians in Clonmel.

9682. How many of them did he employ, did you see?—To the best of my knowledge—I am not acquainted with them—but I should think from four to five there were more indeed, and I could repeat their names.

9683. Did these men march about the streets with bludgeons?—They did, and in the court-house; at the time I was going to vote I could scarce hear a word that was said from their beating the sides of the gallery with their sticks; the most ragged, rejected looking creatures in the town.

9684. Did not other people make a noise in the town besides these four or five bludgeon men?—Yes, they might, but they were not hired.

9685. How do you know that these were hired?—The agents of Mr. Bagwell hired these creatures, who were living about the streets, that had no means of support, and they paid them from 2 *s.* 6 *d.* to 3 *s.* a day.

9686. This Quaker never made any distinction in the men he employed, did he; he gave his employment indiscriminately to the men who were fit for his work?—Yes.

9687. Are you a Roman Catholic?—I am.

9688. How long were you in Mr. Malcomson's employment?—Eight years all but two months.

9689. Were there no other people in the town who had bludgeons besides those four or five ragged, rejected looking men?—There might have been plenty with bludgeons, but very little of the streets I walked.

9690. In the court-house you saw these bludgeon men there?—I walked up to vote to the hustings, one on the right and the other on the left, and I heard those on the left beat the sides of the gallery with their sticks.

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9691. Was it to slap the sides of the court-house, or to beat people that you consider they were employed?—They scuffled when they got drunk; they were employed to halloo and hoot, and make a noise.

9692. Are you a county of Tipperary man?—Yes, sir, I was born in Tipperary, but served my time at the Earl Mount Cashel Mills.

9693. Did you ever in the course of your life know either fair, market or election, or any thing that brought a number of people together at Clonmel, that there were not a number of people with shillelaghs in their hands at that time?—Decidedly, to my knowledge I never saw any fair but that there were men with sticks in their hands.

9694. Did you ever see boys come from the country with those sort of sticks in their hands?—Yes, but not hired.

9695. But you have seen them with sticks?—Some with and some without.

9696. You know they call them a bit of a switch?—Yes, they do; I assure you they do bring sticks.

9697. Now these boys whom you saw with the sticks (these five men) they were making this clatter?—They were not men, they were only young boys, there were some perhaps of the age of 20 and 25, the two Farrells were over 25.

9698. And the rest of the five, what were they, spalpeens or hobbydihoys?—Indeed, I do not know what to call them.

9699. Then these formidable bludgeon men were boys?—Yes, I think, with the exception of two.

9700. Did you see them offer violence to a single human being with these sticks?—No, I did not.

9701. Two or three times since you have been here, you have said you yourself received no threats or intimidation from any priests; what made you say that you had not received a threat from any priests, did you ever hear of any body who did receive a threat?—No, never.

9702. You say you never did?—Never, to my knowledge.

Jovis, 30° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

John Caldir, called in; and Examined.

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9703. WHERE do you reside now?—In Aberdeen.

9704. Did you some time ago sign a petition to the House of Commons?—Yes.

9705. When did you sign it?—About the month of May or June last, I think it was.

9706. At the election in 1832 had you a vote?—Yes.

9707. Were you canvassed and solicited for your vote by any party?—Yes.

9708. Who by, first?—Mr. Stronach, an advocate in Aberdeen.

9709. Did you promise him to vote for the person he solicited your vote for?—Yes.

9710. Were you canvassed by any body else?—I was called on, but I had no proposal.

9711. Was that about the same time you had been called on by Mr. Stronach?—About a month afterwards.

9712. About a month afterwards had you any proposal made to you about voting?—What proposal?

9713. What do you mean yourself by saying you had no proposal?—I was called on about a month afterwards by Mr. Adam, after I had promised my vote to Mr. Stronach.

9714. What did Mr. Adam say to you?—He told me that he was appointed agent to canvass for the Honourable Captain Gordon, and that, as I had a vote, he wished my vote in favour of him. I told him that I had already pledged my vote to Mr. Stronach, in favour of Sir Michael Bruce; on which he appeared to be very angry at the proposal, and stated that this pledge I had come under with Mr. Stronach that I should retract it. I stated, "No, Mr. Adam; as I had passed both my word and my signature, I could not; but had you called sooner, before I had done so, I would have had no hesitation." He then stated to me, "If I would not

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retract that, I would feel the smart of it, and that I had better to take this into consideration." This I did not mind, as there was a paper recording my name in favour of those whom I had promised to vote for; and then in a week or two I was called on by Mr. Adam again, stating, "He found I was still obstinate, and that Mr. Gordon was very disobliged at me for it as well as he was; and if I would retract and disown the pledge I had come under, which was of no signification, Mr. Stronach would have no hesitation of allowing me to do it, and he would make Mr. Gordon give me the old market dung, of the value of 30*l.*" I then stated to him, "Mr. Adam, you would think very little of me if I were to do as much to you as you advise me to do to Mr. Stronach or to any other; and I state again, had you called on me first, I would not have let Mr. Stronach have done the same by you, whatever favours he might have given me." And further I stated, "You know Mr. Stronach has been very friendly to me in every respect, more so than what you have, or even Mr. Gordon; and further, you know that I did never go back to that gentleman to ask a favour again; and ought I to be such a character for any favour or compliment of yours?" On this he appeared in a mighty passion, and stated, "that he would make me smart for it." An agreement had taken place between Mr. Gordon, Mr. Adam and me, about the end of March before. He stated then, "as you have no writing on that, I will make Mr. Gordon deny the whole, and I will do so myself."

9715. Did he mean you had no lease for your farm?—Yes, that was it; I had a lease, but this was an agreement as to some improvements.

9716. And you had no written agreement on that subject?—No, on that part.

9717. It was a mere verbal agreement?—Yes.

9718. And he alluded to that agreement in your conversation, did he?—Yes, he alluded to that, "that he would make Mr. Gordon deny it, and so he would do himself, and countenance him in support of doing so."

9719. Had you made those improvements on the faith of the verbal promise?—Yes, to the value of about 300*l.* at that time.

9720. For whom did you vote?—I voted for Sir Michael Bruce.

9721. Did any thing further take place before the election?—Yes, I had two or three letters from Mr. Gordon's agent, with a signature of Mr. Gordon on them; this was only calling me forwards to solicit my vote for him, and likewise attend the election.

9722. Were those letters from Mr. Gordon, your landlord?—No, from the Honourable Captain Gordon. There were a number more as well as for me; but I did not mind them.

9723. Were they such letters as had been sent to the other electors?—Yes.

9724. Did they mention private business?—No.

9725. Do you recollect what they said?—The first one was for registrating a vote to him, although I had given it the same to him as to Sir Michael Bruce.

9726. There was nothing about your landlord in them?—No, nothing at all.

9727. Just before the election did you see your landlord?—Yes.

9728. What took place then; who came with him?—Charles Darvine came with him.

9729. And any body else?—Mr. Gordon, my landlord. Then he and Charles Darvine came forwards to my house where my possession or farm was. This Charles Darvine called in to know if I was at home? My wife said, "I was about 30 miles distance at my other farm;" and he stated then, "What was I going to do with the election?"—"Oh," said she, "he is coming home a day or two before the election;" and says he, "Has he complied to vote with Captain Gordon?"—"Oh no," says she, "he has not, and he cannot do it; and he has told Mr. Adam always he is not to do it, and Mr. Gordon too."—"Well," says he, "if he does not do it, I am come to inform you—"

9730. Was this told you afterwards by your wife?—Yes, Mr. Gordon was at the door, but he went away when he found I was not at home. This Charles Darvine declared, "Mr. Adam and Mr. Gordon were determined to suppress me as far as they had it in their power, and that they would go further than any one would expect if I would not retract."

9731. Did any thing more pass before the election?—Yes.

9732. Did you see your landlord?—Yes, and Mr. Darvine after that.

9733. What took place?—He stated further to my wife, "He would give her the best gown in Aberdeen if I would vote."

9734. Tell us what took place when you saw your landlord and Mr. Adam before

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before the election?—He made my wife promise for me to call on Mr. Darvine when I came home.

9735. Did you?—I called two days before the election; I went and called on Mr. Darvine the day previous to the election, and he told me, "That he had seen Mr. Gordon and Mr. Adam, and if so be I would not retract and violate my pledge that I had come under to Mr. Stronach for Sir Michael Bruce, that as sure as he was where he was, and I too, that I would go out of my possession for all that I had done, and that I would find the smart greatly of it." So I stated to him, "That was a thing I was determined on; I was not to alter whatever, to make a fool of myself by no means, and that the gentlemen could do nothing to me but what was fair and right." "Well," says he, "as you have no writing for the agreement that has been entered into, I understand it will be against you." He then took my promise that I would call on Mr. Gordon (that was only one day previous to the election), so I went to Mr. Gordon and asked him what he wanted with me, what he had been making such a work about? He then stated, "That as I had been so obstinate, and would not comply to their wish, Mr. Adam's and his wish, that Mr. Adam was determined, and he too, to let me know what I mean by being so obstinate to them." So I stated to him that Mr. Stronach had been such a friend to me, and that he had supported me when he was unable to do it. Says I, "Mr. Gordon, you and Mr. Adam promised to advance from 300 *l.* to 400 *l.* to improve that farm, instead of that you fell off that promise, and likewise as to improvements which you were bound to do yourself; now you have led me into this mess; had it not been for Mr. Stronach I would have been unable to carry on the farm, owing to the breaches in your bargain, and what do you mean by doing so with me now?" He stated, "That he knew I had done a great deal, to be sure; but as I had been so obstinate, and would not comply, that if I would stand back and not appear at all, that they would take it into cooler circumstances than they were designed to do." I understood by this that he had seen Charles Darvine at that time, as Charles Darvine wished me to stand back if I would not violate my pledge.

9736. Was that all that passed?—That was all that passed then. On this I went to Aberdeen to call on Mr. Stronach, to know what I would do; Mr. Stronach happened to be away, and I called on his head clerk, and told him what situation I was in. He asked me "if it was my wish to support Sir Michael Bruce?" "Yes, to be sure," I said, "and to stand steadfast to my pledge; but what shall I do if I am ruined altogether by this threat the gentlemen have given me? They have stated to me they will deny every verbal agreement between us, and in consequence of that they will bring ruin and destruction on me altogether." I then met with another agent of Sir Michael Bruce's, Charles Winchester, and he asked me, "What I had done," as he had heard of this at the time. I told him the same. He brought me to one Wesland, another agent; there were two agents there, one George Clarke, an agent of Sir Michael Bruce's, and he said he was very sorry for Caldir, (as he knew me so long, and knew I was one of my word, and would not retract a word that I had once said), as it appeared that I was under such terror now, that I did not know well what to do. They asked me to stand to my promise, and not to be driven by none, as it was my wish. I stated what state I was in, and they said Mr. Gordon would never deny the bargain he had made; and they all stated if he should do so, that they would take every measure legally to bring him into it. Then I was rested with that confidence, and came forwards, and did execute my pledge as promised, and voted for Sir Michael Bruce.

9737. What took place after the election?—The day of the election my horses and carts and servants were employed in supporting Mr. Gordon, my landlord, and driving manure from Aberdeen for him. Immediately after the election was over, Mr. Gordon came from Aberdeen in a passion, and met my horses about a third way to Aberdeen from my own place, going for his manure, on which he turned my horses and carts away with his own head servant, damning and saying, "He was to have no more to do with Caldir."

9738. Is this what your servant told you?—This is what Mr. Gordon's servant told me; he said he was very sorry for me, as I was utterly ruined for giving my vote in favour of Sir Michael Bruce.

9739. Mr. Gordon's servant told you this, you were ruined in consequence of what you had done?—Yes.

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9740. Did he come back with the carts?—Yes, Mr. Gordon's servant came back with the carts.

9741. Was your own servant with the carts?—Yes, and it happened to be some manure that my servant was all the morning employed with his servant loading the carts; my servant had run home for some refreshment, and was ready to run back the time that Mr. Gordon's servant brought them back.

9742. Did your servant hear Mr. Gordon use that expression, damning you for the vote you had given?—No.

9743. Did your servant hear Mr. Gordon's servant tell you that you were ruined?—I suppose he did, and I think he rather did; he told it before the whole servants and the house, and a number of people besides my servant; I think that every servant that was with the carts heard them.

9744. From whom did you hear that Mr. Gordon had damned you?—From Mr. Gordon's head servant, who was his overseer of his possessions, and had the management of his whole work.

9745. How came Mr. Gordon's servant to come back with the carts?—Because my own servant was employed all the morning disloading the carts, and in consequence of the interval, he came running home to take refreshment, at the time that Mr. Gordon's servant was refreshing himself and the horses.

9746. Your servant was not at the cart at the time Mr. Gordon met his own servants with your carts?—No.

9747. What took place afterwards?—Mr. Gordon's servant told me Mr. Gordon appeared to be in a perfect passion, and stating he would bring ruin on me for what I had done, in consequence of not obeying to their wishes.

9748. Were any steps taken against you?—Yes, a few days afterwards a sequestration was brought forwards against me, taken out from the Sheriff of Aberdeen; my whole stock and property sequestered for a rent claimed to be due, and arrears which were not due.

9749. Arrears of rent?—Yes, claimed to be, but were not so; in consequence of this sequestration, I went forwards to Aberdeen and mentioned what had happened to me.

9750. Whom did you go to?—I went to Mr. Winchester there.

9751. Who is he?—An advocate, and stated to him the situation, as I had before stated to him, what they had promised they would do. When I explained the whole to him, "Well," says he, "we will make them smart for this." Mr. Gordon and Mr. Adam then found themselves in the wrong when Mr. Winchester laid in the claims thereanent for a false sequestration.

9752. Did they abandon the sequestration?—Yes, they had before that taken another and went to my farm at Beuse, about thirty miles distant, and brought my horses and cattle from that possession there, and brought them into my Boxburn possession during a heavy storm.

9753. Was the sequestration made to cover all your property on the various farms?—Yes, it was for a claim of rent due of 104 *l.* 2 *s.* 6 *d.*

9754. Did you owe that rent?—No, I had not a farthing of it, and they were creditors to me about 25 *l.* supposing the rent to be all due, which I have witness of; supposing that rent had been due.

9755. Was the sequestration taken off?—Yes, they abandoned it.

9756. The second?—Yes, they were both abandoned by complying to an agreement then under submission.

9757. Do you mean under a submission to submit to arbitration?—They wished so; that was to give up the farm altogether, as Mr. Gordon wished it, into his own possession and hand.

9758. Did you agree to that?—Yes, I agreed to that upon these conditions, of paying me for dykes, improvements and houses, and all claims for damages.

9759. What happened after the submission?—They stated they wanted the submission, that I would refer this to one sole arbiter; this I refused to do several times; then I complied to refer to one and then to another; they agreed to this, but they wanted, if these arbiters should not agree, to refer to the sheriff substitute of Aberdeenshire, as sole arbiter. An agreement was then entered into; their arbiter was chosen by them, one Andrew Black, and mine was Mr. Jeffry, and when the arbiters met on the submission, Andrew Black wished my arbiter to sign over the submission immediately to the sheriff; so he told him that was an unjust course to take, for them to come under such an honourable thing to go through, that he would not do that; so he told him that Mr. Adam's wish was to leave it

all to the sheriff. The arbiter said he thought the sheriff was a man that could have very little judgment on that point, and he would do nothing of the kind until he saw the submission, and Mr. Gordon wrote to him and wished him to call on him with his arbiter at his own house, where they would have a bowl of toddy.

9760. How do you know this?—The arbiter told me this.

9761. Your own arbiter?—Yes, that was proposed to him; I said, "Well,' says I, "you can please yourself, I refer it all to you." "But," says he, "I have refused such a favour, but I understand my neighbour arbiter is not to go on with any thing of the kind." "Well," I says, "we cannot help it; we must just make the best." A day was appointed to meet in my own house, my own farm-house at Boxburn, with Mr. Gordon and this Andrew Black, the arbiter, and this arbiter along with myself, when the claims of the parties were to be seen there. All the claims that the lord had against the tenant for rents or otherwise, and all the claims that I had against the landlord for dykes and improvements, houses, and all claims of damages, were to be shown before the arbiters there. Mr. Gordon's claim was first stated to me for rent crop 1830, stated at 55 *l.*; this I denied to be due: a statement again was for rent crop 1831, 107 *l.*; I denied this statement to be true; then a sequestration was issued against me for rent crop 1832, of 104 *l.* 2 *s.* 6*d.*: well, I stated this not to be due. The arbiter said, "What was the meaning of it?" said I, "Mr. Gordon certainly has committed a great mistake, and it is not as he said." Mr. Gordon said, "Why?" said I, "Mr. Gordon, you have charged me for rent crop 1830, when I was never in the country, and had no crop for it." "Oh," says he, "had you not a crop of the year 1830?" "No," says I, "I was not in the country until the month of July 1830, that was the first day I appeared on your possession here." "On the 25th of July 1830, and you had your own crop on the ground," says he, "it is surely a mistake;" and said I, "it is not a mistake." The arbiters both admitted he had been wrong in doing that, and he admitted that himself; he said, "Do you mind what time my roup was?" "Yes, yes, I minded the year it was, and the month, and the day of the month, it was on the 25th day of December 1830." "Well," said he, "if that is so, I am decidedly wrong." I convinced him he was wrong, because he had the crop himself. "Then," says he, "we must strike that off then." That was struck off, and instead of being 1830, it was put the year 1831, and admitted the crop 1831 to be 55 *l.*, which was a verbal agreement; that was correct. "Now," I says, "Mr. Gordon, the crop 1832 has never settled what it is," I said, "it will never amount to more than 50 *l.*, or thereabouts, owing to the verbal agreement which we have on it; you have had my ground out of my possession from 1832, you cannot charge me on that; when it comes to be settled it will not come to more than 52 *l.*;" then I produced the receipt and valuation of houses that he had taken in for houses, to stand against the first rents which had become due; this valuation of houses was the amount of 102 *l.* 14 *s.* Mr. Gordon admitted that that was the valuation he gave to me; the houses I had built myself, and he was to take them at a valuation after I built them, until the value of them was consumed by the rents. Now he admitted before these arbiters that this was valued into his hands at 102 *l.* 14 *s.*, which I produced, and the 55 *l.* was only to be deducted from that one year's rent, and the other year's rent, which was not settled what it was to be, about 50 *l.* or thereabouts; Mr. Gordon admitted there was a mistake in sequestering me for a thing that he saw was not due then. I admitted the rest of the claims Mr. Gordon stated against me, of the balance which I had received of the money on the premises that Mr. Adam and he had given me; and that rent of 1832 was left unsettled until a measurement was taken of it on the ground, it was to be ascertained by measurement. The arbiters had agreed to value the houses, and Mr. Gordon agreed to take the fixed furniture which was in the house, and a second valuation amounting to about 25 *l.* more than the first by these additional things. The arbiters agreed then up and down, and all this, and likewise the next arbiter was to agree for paying for grass and every other thing, but he would not state upon it until he saw Mr. Adam again. The next appointment was at Mr. Adam's writing office at Aberdeen, where the parties and arbiters were to meet, about the end of March 1833.

9762. Was the result of the arbitration that you gave up your farm?—Yes; I was obliged to do it.

9763. Was there a settlement of the rents?—No, the rent of 1832 is not settled yet. On this the arbiters debating, and Mr. Adam not allowing them to come to any settlement, he wished them to sign over a submission to the sheriff; my arbiter asked "why?" he wished them to sign it over in this way. My arbiter said

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said, " Mr. Adam, the man is entitled to all improvements, which by a valuation is upwards of 300*l.* or 400*l.*, and I will not do that, because the sheriff has no knowledge of the thing."

9764. The settlement between you and your landlord is still under submission, is it not?—No, there is a decree upon it. Mr. Adam had appointed Mr. Gordon and Mr. Black to dinner that afternoon. He wished them to go up stairs to dinner; as they went away up stairs Mr. Adam appeared in a great passion, and wished Mr. Jeffry to sign over the submission; as we were going by Mr. Adam's writing desk, he turns about and says, " Mr. Adam, I am sorry to think you have done in the way you have to this poor man;" he said, " under such a circumstance you have brought ruin on the poor for an unjust claim owing to this mere case, because he would not give his vote in favour of Captain Gordon, although he had already pledged it before." " Well," said Mr. Adam, " as he has been so obstinate, and would not comply to our wishes, and did not give his vote to Captain Gordon, I will do more than I have done yet against him; I will state a claim against him now in favour of Mr. Gordon for rents of Mr. Gordon, which shall fall due during the currency of his lease, of 1,200*l.* or 1,500*l.* I will state that to the sheriff, and the sheriff will fine him under that debt, and you had better sign over the submission." " No," says he, " I see what you are about, I will take another week for that; it is a shame for you to say you have oppressed this poor man, and still mean to do so because he would not give his vote in favour of you."

9765. Is the result that there has been a decree, and that decree has left you the worse for having given up your farm?—Jeffry signed over the submission about a week after; a claim was stated to the sheriff, the sheriff admitted the claim, and then they denied all they had admitted before, and stated there were great claims; the sheriff stated he would abandon my claims of improvement, owing to Mr. Gordon's great claim during the currency of my lease. In consequence, Mr. Gordon denied the verbal agreement which had been made between him and I, and he was supported by Mr. Adam, although he admitted it before; the arbiters and sheriff would have him on his oath upon it, and I refused it; the sheriff still persisted, and at last I complied to let him to the oath.

9766. Were you present when he admitted the verbal agreement before the arbiter?—Yes.

9767. And was that denied before the sheriff?—Yes, and sworn to again; and he swore me to pay a year's rent after I was away.

9768. Who was present when it was admitted before the arbiters?—The arbiters and myself.

9769. Who was the arbiter on your side?—Thomas Jeffry, farmer and paper manufacturer.

9770. Who was the arbiter on the other side?—Andrew Black, esquire, Foster Hill, both of Aberdeen.

9771. What are you doing now?—I am sawing timber; nothing but just getting a day's wages; that man swore me falsely out of 420*l.* that day.

9772. What was the result of the dispute?—It was this: the sheriff took Mr. Gordon's oath, and he gave his oath that I was due rent crop 1833, that was for a crop he ploughed and sowed and reaped himself, 117*l.* 17*s.* 6*d.*; and likewise that I was due a rent of houses by the claims of Mr. Adam, and all the claims Mr. Adam stated, which were falsely stated, after the arbiters had nothing to do with it. In consequence of this the sheriff abandoned my claim of dykes and improvement of houses of 400*l.*, owing to this claim Mr. Adam stated, which he had no right to do. Likewise under this, I stated to Mr. Stronach, and Mr. Stronach stated on oath to the sheriff again, that Mr. Gordon had falsely sworn, (he did not say so, but I say it), he had sworn me to pay a year's rent for a crop he had reaped for himself. Then a note was concealed by Mr. Adam and never shown to the sheriff.

9773. The result was, you were turned out of your farm?—Yes, in consequence of this.

9774. You brought an action?—Yes, for defamation. He stated against me afterwards—besides all he had done, he called me, and most falsely called me ———.

9775. You brought an action to recover 2,000*l.* damages?—Yes.

9776. Is that action settled?—No, there is an action of reduction against the sheriff's decree depending.

9777. As arbiter in that submission?—Yes.

9778. Have you got your lease with you?—No.

9779. Where

9779. Where is it?—It is in court.

9780. Were you at any time in arrear of rent to Mr. Gordon?—No.

9781. Never?—Never.

9782. On the occasion of the arbitration being effected, you had Mr. Jeffry for your arbiter, and Mr. Black was Mr. Gordon's arbiter?—Yes.

9783. And the sheriff substitute was the overman?—Yes.

9784. On that occasion what was your demand on Mr. Gordon, was it 600*l.*?—Thereabouts.

9785. When there was a disagreement between the arbiters, and that the overman was called in to give his decision, what was his decision?—He sustained his decision by Mr. Gordon's oath particularly.

9786. What was his decision, any thing in your favour?—Finding a balance of 20*l.* against me due to them.

9787. The sheriff's substitute, when the matter was referred to him, instead of giving you your claim of 600*l.*, gave his verdict against you of 20*l.* to be paid to your landlord, Mr. Gordon?—Yes, it was in consequence of Mr. Gordon's falsely swearing to be due to him the year's rent.

9788. For whom did the sheriff vote in the county of Aberdeen, in the election of 1832?—I do not know; I do not know whether he voted at all.

9789. Is he a gentleman of Tory principles or Whig principles, or what are his principles?—I do not know.

9790. On an occasion of this kind, when the matter is supposed to have arisen out of a political grudge, on account of the vote you gave at the election, do you conceive that the sheriff, if he had been a Whig, or a man of liberal principles, would not have advocated your cause as much as he could, seeing you were the victim of your independence?—That never came before him.

9791. He knew the fact, because you had constantly stated it?—He did not know the fact.

9792. Was it not known in the neighbourhood you had voted contrary to the wishes of your landlord?—That was known in Aberdeen.

9793. Was it generally known?—Yes, it was; and it was known likewise I had great injustice by the neighbourhood.

9794. This sheriff substitute knew it as well as any other person?—He did not know it, in this consequence, because it was never laid before him in the papers.

9795. He knew the alleged fact as matter of general notoriety, that Mr. Gordon was acting against you on vindictive grounds?—I do not know any thing of that.

9796. Were not the matters in the nature of account before the sheriff?—Yes, that was all; no other thing.

9797. When you say you voted as a man of independence, did not you state at the time that Captain Gordon's agent came round to you, that if his party had asked you to vote first, you would cheerfully have voted for them?—Yes, I did; I stated that to Mr. Adam, because I stated it did not matter to me which party might be returned.

9798. In point of politics, it was a matter of indifference to you which party succeeded?—Yes; I stated those very words.

9799. But you were equally determined to keep the promise you had given him?—Yes, that was the intent which I described to him; and he said he would do what he could, and would appeal against my right to have a vote, and he did so.

9800. Did you never promise Captain Gordon or his agent you would not vote for his opponent, and that in all probability you would not vote at all?—No, I did not; I did not make such a promise to Mr. Adam.

9801. You made no promise you would not vote for him; did you not promise, if you could not vote for him, you would not vote at all?—No, but Charles Darvine insisted on me, if I did not vote for Captain Gordon, not to vote for the other.

9802. Did you consent not to vote?—I did not consent; and likewise Mr. Gordon insisted, if I did not vote for Captain Gordon, not to vote for Sir Michael Bruce.

9803. You did not tell him you would not vote?—No.

9804. Have you ever taken a strong part in politics yourself before?—No.

9805. You have kept aloof from politics?—Yes, I have received a great harm with it, which I will never recover.

9806. You recollect Mr. Lowe calling on you?—No, he never did.

9807. Did you ever speak to him on the subject?—Never.

9808. He never canvassed you?—No.

9809. Nor

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9809. Nor did Captain Gordon ever canvass you?—No.

9810. You are confident Mr. Lowe never spoke to you on the subject of the election?—Never.

9811. Do you know him?—Yes, he never called on me on such a thing; it was known by Mr. Adam, Mr. Gordon, and that Charles Darvine.

9812. In this law-suit you have, are you supported by Mr. Winchester?—I am not.

9813. Did not that party, Sir Michael Bruce's friends, tell you that if you would hold firm and vote according to your promise, that they would support you and see justice done to you?—Yes, I own that they did so.

9814. Have they performed that promise to you?—Yes, they did so; Mr. Winchester did do it, and the rest the same.

9815. How did they perform that promise to you?—Mr. Wesland went along with Mr. Winchester, in my claim against that rent which I was charged falsely with as to the sequestration, and made them know that he would see me get justice, and that they had falsely done this.

9816. And has he done so?—Yes.

9817. He is carrying on this law-suit for you?—No, he is dead and gone, but he brought them in under the submission.

9818. At the time Mr. Gordon wished to get back his farm from you, were you not in such circumstances that other individuals were seizing your property?—No, I could have got 50*l.* from Mr. Stronach, or any man that knew me; but I admit this, that I had sent to a friend, and that this friend denied me by not paying his bill, and, in consequence of this, that after I had got a horning on the bill, that I called on this individual, stating what he was likely to bring me to. He told me to give myself no trouble, that he would settle it, there would be no more offered; and I rested under the belief he would do it, and afterwards it came against me; I soon recovered that, and actually paid it myself.

9819. Had you actually paid it up when this sequestration was put on your property?—Most decidedly.

9820. What was the amount of that?—It was 15*l.* or 20*l.*, but it cost me about 40*l.* or thereabouts to clear it off.

9821. Did you pay Mr. Gordon, your landlord, any rent, from the time that you took the farm in 1830 up to the end of 1832?—No, I paid him rent to be sure; I did not give Mr. Gordon sterling money, but I gave him value, which was before the rent was due agreed upon.

9822. Do you mean you gave him value in improving the farm?—No.

9823. How did you give him value?—I was to build some houses, which he was to take when the houses were completed under valuation himself, in lieu of rent, until consumed by rent.

9824. Were you, previous to the year 1830, ever tried before the Court of Justiciary for offences against the law of Excise, or for assaulting an exciseman?—Yes, I was.

9825. Were you convicted?—Yes, I was; it was a very small account too.

9826. What was it for?—Myself and four more of the country people were coming down to Aberdeen one night, and among us we had some smuggled whiskey coming down, and three of the party run upon us, and seized upon us for being smugglers, and they being drunk they struck us; our party returned it again to them, and likewise struck them. As I was neighbouring along with the rest, they charged against us for the assault; we did not deny it; we admitted that we did assault, and the truth was admitted as to all; but the other party denied that they struck us first, and in consequence of that we brought evidence against them; there were women and people and all: we were convicted; but to show merely that we did not interfere with the revenue officers, we were sentenced only to gaol for three months.

9827. When was this?—About the year 1821; Mr. Adam became agent for me in that case, and that was the way I became acquainted with him;—no, I am wrong, it was not that case that Mr. Adam became acquainted with me.

9828. You have stated Mr. Adam was agent for you in that case?—It was not in that case.

9829. Then there is another case?—It was not a wrong case.

9830. Will you undertake to say there was not another case?—Yes, but no wrong case.

9831. Will you undertake to say you were not brought before the court for other cases

cases of smuggling, as well as the one for which you were imprisoned three months?—No, I was not.

9832. Never brought before the court?—No.

9833. That is the only case in your lifetime in which you were brought before the court for smuggling?—Yes.

9834. Or for any other offence?—That is the open court, but no criminal case.

9835. Were you never brought before the court for other cases, except the one you have alluded to?—Yes.

9836. What was the other case?—May be for a small debt.

9837. Were you never brought before the court for any other than for a debt?—Never, before I was necessarily brought there by Mr. Adam and Mr. Gordon.

9838. You were in prison three months before?—Although I was ordered to be imprisoned for three months, I had favour given me of more liberty at the end of three weeks, and the person who was in the excise was dismissed.

9839. Was he dismissed in consequence of imprisoning you?—I do not know that.

9840. Do you say he was drunk when you met him that night?—Yes, they were drunk.

9841. Were some of your party drunk too?—No.

9842. If the excisemen were drunk, and that circumstance was known to you, and you were before your trial for smuggling, would not that circumstance, as affecting the excise officers, have come before the cognizance of the court: there were women who gave evidence, were there not?—Yes.

9843. What did they say?—They declared the truth in what way we were used.

9844. You had an opportunity of stating the excisemen were drunk?—Yes, and they admitted they had been drinking.

9845. Notwithstanding the misconduct of the excisemen, nevertheless you were punished by three months' imprisonment?—Yes.

9846. Had you illicit whiskey with you when you were taken by the excisemen?—I had none, but I was taking heart and part; there were different carts with us.

9847. Whether the excisemen were drunk or not, you had the illicit whiskey with you, and were liable to be imprisoned?—Oh, yes.

9848. You spoke of another case in which you had become acquainted with Mr. Adam?—Yes.

9849. What was that case?—It was a case when I was a farmer in the parish of Beuse about the year 1826; there was a poor widow neighbouring to me, and her husband dying, she insisted on me to support her and her family, for her young child, and that I did more as an act of charity than profit; the landlord wished to get possession, and to cheat the woman, and Mr. Adam was employed to prevent it.

9850. Why did you go out of your farm at Beuse?—When the lease was done.

9851. You went out of the farm, having paid up every thing you owed to your landlord?—There has nothing ever come against me whatever; but supposing I had not been able to pay it up; after I left the possession, I made a roup, and gave Mr. Stronach 175*l.* of bills which no man had a claim against, and I received money from him after paying up what he had assisted me with, as to that farm in Mr. Gordon's possession.

9852. You have now a law-suit depending with Mr. Adam?—I have.

9853. Is that upon defamation?—Yes.

9854. Have you any law-suit pending with Mr. Gordon?—Yes.

9855. What does that relate to?—Upon the false submission and false swearing upon the rent, and likewise my improvements.

9856. When are those to come on to be tried?—I am not able to carry it on for want of money.

9857. Will not Mr. Winchester, who promised you should have redress, assist you and that party?—May be he has enough to do with himself; I have other friends than he.

9858. You in fact are not persisting in these actions for the want of means?—That is just the fact; I am not able to carry them on before the superior courts for want of means of doing so.

9859. You are sure that you had no other creditors that were poinding your effects at the time the landlord, Mr. Gordon, found it necessary for his protection

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to sequestrate your effects?—None but that bill that I stated before, nor have had the power of either, and that bill is settled and done.

9860. What are you to receive for coming up here?—I do not know.

9861. What expenses?—The expenses are not very much; I paid four guineas for coming up by the steam boat, and some few shillings to the steward besides.

9862. Who advised you to make this petition to the House of Commons?—Myself.

9863. Who desired you to come up here?—By an order of the Honourable House of Commons, and I am obliged to them for taking a poor man's case into consideration.

9864. Who drew the petition for you?—That was a well-wisher; it was no agent; I was not fit to pay an agent.

Veneris, 31° die Julii, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

The Rev. *James Maher*, called in; and Examined.

The Rev. *James Maher.*

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9865. I BELIEVE you are a Roman Catholic clergyman, residing in the county of Carlow?—Yes, I am.

9866. What station do you hold in the Roman Catholic church?—I am administrator of the parish of Carlow.

9867. Are you an elector of the county of Carlow?—I am.

9868. Are you a member of the county Liberal Club?—I am.

9869. How many Roman Catholic priests of the county of Carlow are members of that club?—Only two; I believe myself and another Catholic clergyman.

9870. How many Roman Catholic clergymen are there in the county?—About 30, or very nearly 30.

9871. Have you had an opportunity of observing whether any intimidation was carried on before and during the elections for the county of Carlow?—I regret to say that a system of persecution and intimidation against electors, in consequence of having voted for the liberal party, has been adopted and acted upon, the most harassing and ruinous that can well be imagined. This persecution has brought persons down from very comfortable circumstances, from the rank of respectable farmers, to the condition of day-labourers, and in some instances to beggary. These are facts of which I have personal knowledge. In addition to this, those who voted for the Conservative party have been subjected in some instances to taunts and insults from the people. I even know of cases where persons have been excluded from the house of worship one or two Sundays in consequence of such votes. However, I am bound in fairness to say, that these ebullitions of popular feeling were of a very transitory nature. I am not aware of any other suffering or bad effects following from votes given in favour of the Conservative party.

9872. Before the election took place, did the landlords and proprietors of the county use any menaces?—They used menaces.

9873. Are you able to point out an instance in which menaces were used before the election?—I am; and landlords have followed up their menaces by corresponding acts; they have acted on these menaces with fearful vengeance.

9874. A considerable body of the gentry of the county of Carlow are leagued together against the party which is commonly called popular?—I believe the majority of the gentlemen of the county are leagued together against the popular party; there are some very honourable exceptions among the gentlemen of the county.

9875. But the majority are leagued together for the purpose of returning candidates who profess Conservative principles?—They are.

9876. Do you believe that an agreement has taken place among the gentry themselves to compel their tenantry, as far as in their power, to vote according to the wishes of the landlords?—Judging from their acts, I am led to that conclusion; I have no knowledge of any agreement, or that they entered into a compact; I was not present when they entered into any such agreement, though I do believe they have entered into this agreement.

9877. Have you observed circumstances from which you would infer that they act on a system of co-operation in the control of their tenants?—I have.

9878. With respect to elections?—I have.

9879. Before

9879. Before the election took place was any intimation given by landlords that they would eject or distrain their tenants, or serve them with notices to quit, in the event of their disobeying their orders?—A number of such notices has been given.

9880. During the elections, have you observed the landlords attending at the different booths where the polling takes place, and endeavouring to intimidate their tenants?—I have observed the landlords in the court-house during the polling, and very frequently in the booths; indeed I have heard one of them threatening his tenants, and swearing that he would extirpate them and their families, in a conversation with myself. A gentleman in open court, a landlord of the county (I believe a petition has been presented, or is about to be presented, on the subject to the House of Commons), whose tenantry voted against his wishes, in a conversation with me in the hall of the court-house, and in the hearing of other persons, stated, that so help him God, extending his arm—here I interrupted him, saying, "You will repent of any rash vows you make now"—he appeared a little excited. After the interruption he again repeated, that "So help me God, I will extirpate themselves and their families; if it were in 20 years to come, I will have revenge of them."

9881. Can you mention the name of that landlord?—Mr. Alexander; he is now in London, and can be examined; I stated these facts at the hustings at the last election in the presence of the same gentleman, and the statement has not been contradicted since.

9882. At the last election?—Yes, I stated it.

9883. Was the statement which you made at the hustings made at the last election?—It was.

9884. When was the conversation?—It was at the election in January last; the last election of all was in June, and at the June election I happened to be called on to second the nomination of one of the candidates for the county, and at that time I made the statement of these facts in the presence of all the gentlemen of the county, and I believe Mr. Alexander was present at the very moment.

9885. Did Mr. Alexander, when you made this statement in public at the hustings before the gentry of the county, contradict you in any particular with respect to the account which you gave?—The statement was not then contradicted by Mr. Alexander, nor has it been since contradicted by the paper in the interest of the Conservative party; this paper takes a very minute account of all my sayings and doings in the county, but these facts have not been contradicted by any one.

9886. After the election were these threats carried into effect by the landlords of the county?—Yes, by Mr. Alexander himself, he proceeded as far in the execution of his threats as he possibly could.

9887. Are you able to mention the name of any one of his tenants who suffered in consequence of his anger?—Indeed I am; of Mr. Alexander's tenants, 20 voted in favour of the liberal candidate at the election in January last. Those 20, owing but half a year's rent, have been since served with writs from the Court of King's Bench as soon as the debt became due, and in many instances the sum was as small as 5 *l.* or 6 *l.* They were served with writs and put to the expense of 2 *l.* 15 *s.* in each case, but afterwards Mr. Alexander remitted a portion of the expenses, I think it was 1 *l.* in each case. I hold in my hand four of those latitats or writs of the superior courts, for the recovery of very small sums. In many instances they are under 10 *l.* Irish, a sum recoverable in Ireland by Civil Bill process at an expense of a very few shillings, three or four or five shillings; but it pleased Mr. Alexander to recover his rent at an expense to his tenantry of 30 *l.* or 40 *l.* This Mr. Alexander is the very gentleman who swore at the hustings the tenants did not suffer the law proceedings to go beyond the service of the writ; they paid the rent immediately; they raised the money by loan from their friends, and thus got out of the hands of their landlord. I have also the receipts of the tenants having paid all their rent and law expenses.

9888. So that it appears from your evidence, sustained by the production of the writs issued out of the superior courts, that Mr. Alexander, in place of resorting to the cheapest and speediest remedy provided in the Civil Bill Courts, with a view to crush his tenants and to carry his menaces into effect, had recourse to the most expensive process which the law would furnish?—Exactly so.

9889. You produce four writs, but it appears that 20 were issued?—I have myself seen I think the 20, and examined every single case of them, and I can return a list of the 20 tenants who have been so persecuted.

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9890. Have the goodness to do so?—This is the list, with the amount of rent due by each, there is one as low as 5 *l.*

9891. What is the smallest sum?—5 *l.*

9892. The rents extend from 5 *l.* to 17 *l.*, but in two instances there is 57 *l.* and 63 *l.*?—Yes.

9893. In the list which you produce there appears to be some sums which are beyond the jurisdiction of the Civil Bill Courts?—Yes.

9894. You refer to those instances as examples of Mr. Alexander's demanding the half year's rent which is unusual in Ireland?—Yes, and for another purpose, Mr. Kehoe had his rent lodged in Mr. Alexander's office.

9895. He is a tenant of Mr. Alexander?—Yes, and had his rent lodged in Mr. Alexander's office, who is a miller. Mr. Kehoe generally paid his rent by sending in his corn and leaving the amount to cover the rent; some little time before the rent became due he received orders to withdraw his money; he stated that he would leave it there as usual, to cover his rent, which would become due in a few days, but he was obliged to withdraw it, and in a few days afterwards he was served with a latitat for the payment of the said rent. The facts I have now delivered in as evidence, I have before published in the newspaper which is lying before me, dated 25th April 1835.

9896. What newspaper?—The Leinster Independent; the statement appeared also in the Dublin Evening Post, and other papers.

9897. How long after the event?—Shortly after the event I have detailed, the facts as I have now given them in evidence, and from that time to this the facts have not been contradicted; I published them under my real signature.

9898. In the statement made by you in the newspaper, you attributed this conduct on the part of Mr. Alexander to his anger created by the disobedience of his tenant to his orders?—I have; I just stated the facts, with one single sentence of commentary, which I shall read: "These attempts at legally crushing men who have had the virtue in these bad times to exercise the elective franchise honestly and conscientiously, may be taken, I suppose, as a fair sample of the justice our unhappy country has to expect from Tories in power." I added, "No charge affecting the moral or social character of these men who have incurred the displeasure of their landlords has or can be made against them." I knew them individually. "Their only offence is their honest and conscientious vote at the last election; their unshaken adherence to principle at all risks." This is the end of my commentary.

9899. You mentioned that Mr. Alexander had remitted a part of the costs to which he was in rigorous law entitled?—I have.

9900. It appears then that Mr. Alexander, to a certain extent, relented?—It appears so.

9901. You have stated an individual case, did many of the other landlords in the county persecute their tenants in consequence of their votes?—Many others have; but before we leave Mr. Alexander's case, give me leave to add, that he has numberless times sworn what he swore in my presence, namely, his determination to drive from their lands and holdings those who voted against his wishes; he also stated in the presence of others (and I believe him to be the secretary of the Conservative club of the county of Carlow), that the gentlemen of the county were sworn by all means to drive from their lands the Catholic tenantry, and put in their place Protestants, who would vote as they wished.

9902. Do you mean Catholics, whether they voted as the landlords would wish, or Catholic tenants generally?—I think they have made up their minds to get rid of all Catholics; I am sure they have determined on crushing, as far as, according to law, they possibly can, all Catholic tenants who have voted against their wishes. If it was necessary I could give the names of the persons who heard Mr. Alexander stating that the gentlemen were sworn to crush their Catholic tenants: his own tenants heard him making this statement again and again. The Mr. Alexander to whom I have alluded is Mr. John Alexander, junior; his father is alive and proprietor of the estates, but Mr. Alexander, junior, seems to be the acting man, and appears to have the management of the whole matter in his hands. He is the eldest son: I mention this, lest suspicion might fall on a gentleman whom I did not mean to charge, namely, his father, though I believe his father agrees with him fully in opinion in all his proceedings, yet the father himself has not acted in this manner to the same extent, although he has been exceedingly violent, certainly. The other sons of Mr. John Alexander, Lorenzo and George, on the Sunday previous to the last

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election, the election in June last, and in the hearing of numbers in the streets of Leighlin Bridge, stated, that unless the electors would vote as their landlords would wish, they (the landlords) would bring ruin and desolation on the neighbourhood. The same person, Mr. John Alexander, dismissed from his employ the sons of electors, stating that he would never give them employment if they would support their fathers, who voted against his wishes.

9903. What do you mean by support?—That is, if they gave them a portion of their earnings to assist their fathers who were old men. Those persons so dismissed have been in his service some of them eight and some twelve years, and have received, since their dismissal from Mr. Alexander, certificates of character, stating that they have conducted themselves well and satisfactorily, and that he, Mr. Alexander, can recommend them as good workmen and attentive men: here is a certificate of Mr. Alexander in his own handwriting in favour of these men.

9904. How many such certificates are there?—Two.

9905. When were those certificates given?—About 10 days since.

9906. Subsequent to their dismissal?—Yes, and there is an affidavit of one of the persons so dismissed.

9907. What does the affidavit state?—It states the facts that I have detailed, that he had been dismissed in consequence of his father's vote; it as follows:

County of Carlow, to wit. } Martin Brennan, of Tomard, in the county of Carlow, came before me, one of His Majesty's justices of peace for said county of Carlow, and being duly sworn on the Holy Evangelists, saith, that on Friday the 13th June, three days previous to the last election in the county of Carlow, Mr. John Alexander, junior, of Milford, addressed him, saying, that he would not give him, deponent, employment, to enable him to support his, deponent's, father, who was going to vote against his wish. Deponent replied that he could not help it, but hoped his father would never give his vote to Mr. Bruen, who turned thousands to the road; that deponent has been dismissed the employment after having lived in his service upwards of eight years; and deponent further swears, on asking from Mr. Alexander a certificate of character which he obtained, he asked Mr. Alexander on what ground he dismissed him, to which he replied that the whole county knew it was for his, deponent's, father's vote at the last election.

his
Martin × *Brennan's*
mark.

Having been first duly read by me to him, *Ed. M. Fitzgerald.*

Sworn before me at Carlow, 22d July 1835,

Thos. Haughton, J. P., County of Carlow.

9908. At the same time, Mr. Alexander did not refuse to give this man, according to truth and justice, a character as to his good conduct?—He has not refused it; I have it in my hand.

9909. Be so good as to read Mr. Alexander's character of that man?—I will: "Martin Brennan has worked for many years in my employment, principally in my malt houses, and has conducted himself well and satisfactorily; I can recommend him as a good working and attentive man.—Milford, 21st July 1835. J. Alexander, junior."

9910. Was the certificate given at the request of Brennan, or did Mr. Alexander voluntarily give it?—Brennan applied, stating that he wished to get employment elsewhere.

9911. Then Mr. Alexander did not carry his vindictive feeling so far as to refuse to give a character to a man whom he thought deserving of it?—He could not think of doing it.

9912. Is it not customary for a servant, when leaving his service in Ireland, to get a written character?—It is.

9913. It is uniform?—It is. Another fact ought not to be omitted. During the election in January, Mr. Alexander, in the polling booth, where his father's tenants voted before the deputy sheriff, swore (where a tenant voted against him) that he would put him out of his farm for voting so.

9914. Did he say this at the time the tenant was polling?—At the moment the tenant gave the vote against his wishes, he swore solemnly then and there, extending his arm towards the bible, that he would put him out of his farm for voting so.

9915. Now all that you have detailed relates to the eldest son of Mr. Alexander, of what place?—Of Milford, in the county of Carlow.

9916. Is the estate of Mr. Alexander, senior, considerable?—It is a very large estate.

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9917. And Mr. Alexander the younger has the control and management of the estate?—He appears to be the factotum.

9918. What proportion do those 20 voters bear to the whole of his tenantry having votes for Carlow?—I think he had 24 voters in all, and the others who have voted with him have remained unmolested by him.

9919. They were not served with any writs in the same manner as the others?—No.

9920. Have they been molested by any other persons?—Yes; they have by the popular party; one of them has been hooted at the chapel, and this indignation on the part of the people has continued against him for one or two Sundays. Some persons gave expression to their feelings when they saw him coming into the chapel where they themselves attended worship.

9921. Were these three or four Catholics?—There was only one of Mr. Alexander's tenants in the slightest degree molested.

9922. What is the name of the individual who has been hooted?—It is Patrick Neele.

9923. What is the name of the Catholic priest there?—Mr. Kehoe.

9924–5. Did he exert himself in any way to prevent a repetition of this hooting?—Yes, he did; he put it down altogether; it would have lasted much longer, and have been much more violent were it not for the exertions of Mr. Kehoe and of the other Catholic clergy of the county.

9926. This Catholic tenant, for having voted with his landlord, was put out of the chapel, and hooted through the village or street?—I did not say he was put out of the chapel; there was an expression of indignation when he appeared in the chapel.

9927. In consequence of that expression of feeling did he quit the chapel at that time?—I dare say not, I suppose he has been in regular attendance at the same chapel ever since. He is, I believe, perfectly as safe and secure as any other individual of the same congregation.

9928. Did you ever hear that a pew of his in the chapel had been torn up?—I did, and I was about to state it, but I believe it was not at the time the congregation attended; it was done at night, or some other time when there was no one present who could give an account how this occurred; suspicion attaches very strongly to the very gentleman for doing this act, and other acts of a similar character.

9929. To what gentleman?—Mr. Patrick Neele. He is of a very violent temper; and he is very much suspected of having been the actor in the scene himself.

9930. Has Mr. Neele, at any hour of the night, access to the chapel?—Yes.

9931. How?—Through the window.

9932. Now, his being a marked object, do you think it likely he would venture to enter the window of the chapel, and to commit the violence of tearing up the seat?—I really think the man capable of it from my knowledge of the individual.

9933. What is your knowledge of him?—I have known him many years intimately, and the part which he has acted.

9934. Does he belong to your parish?—He did live in the parish where I lived for upwards of three years as parish priest.

9935. In that capacity you knew him?—Yes, I knew him as a neighbour of mine.

9936. He constantly attends chapel, and goes through the forms and ceremonies of his religion, by a regular attendance?—I dare say he does.

9937. And is allowed to do so by the public?—Undoubtedly. I should also mention, that two horses, during the election, had been killed, the property of the said Neele; and it is generally supposed that no one could give such accurate information on the subject as Patrick Neele himself or his family. I will be permitted to add that he sought to recover, by presentment, 10*l.* for his pew. The pew, in my opinion, was not worth 3*l.*; and I am confirmed in that opinion (I know the pew myself) by the oaths of three or four other persons, though he swore, I believe, that it was worth 10*l.* at the last assizes.

9938. Has he ever recovered—what has he recovered?—He sought to recover 10*l.*

9939. What did he actually recover?—I do not believe he has recovered any thing.

thing. I have been myself a hundred times in the pew, and I think it could have been built for a few pounds, say 3*l.*

9940. Has he taken legal proceedings to recover damages for the loss of his pew?—Yes.

9941. Notwithstanding he has taken these legal proceedings, is he allowed by the people still to attend the chapel?—With as much safety as any other individual of the same congregation.

9942. Now, with regard to the conduct of this man, have you any thing to say against his honesty, or against his moral character?—Yes.

9943. Be so good as to state it?—He has been road maker in the county for a long time, and they are generally a very bad class of persons.

9944. What do you mean by road maker? English gentlemen will not understand it; do you mean a man who contracts with the grand jury for the making the roads?—Yes, I do. It is generally believed that he did not expend fairly and honestly the monies which he received from the public for making or repairing those roads; and but a very little time ago, a very respectable gentleman of the county, and a conservative, Mr. Rochford, stated that Neele had received 75*l.* for making a certain road with which he, Mr. Rochford, was well acquainted, and on which, in his judgment, he did not expend 17*l.*, although he swore to the expenditure of 75*l.*

9945. Was the 75*l.* granted to him by the grand jury?—Yes.

9946. Now, you have detailed several instances of persecution by Mr. Alexander the younger, do you know whether, in addition to his having resorted to the most expensive process of law, he distrained his tenants after the election, or served them with notices to quit?—He served one of his tenants with an ejectment, who had only owed a year's rent; the others he could not serve with the same process, because they only owed him half a year's rent; but the only tenant who owed a year's rent was served with an ejectment.

9947. Was that in consequence of his vote?—Yes, avowedly; he made no secret of it.

9948. What was the name of the tenant?—I cannot say exactly who it was, although I saw the ejectment.

9949. Is it one of those 20 tenants you gave the names of?—There are 20 besides him; he is the 21st.

9950. Did other landlords in the county carry on persecution against their tenants?—They did, to a very great extent. They persecuted them in their characters of landlords, masters and magistrates, and in every way they could exercise influence over them they did it vindictively in consequence of their votes; and I regret I am furnished with many proofs on that subject to lay before you. I have detailed fully the case of Mr. Alexander's tenants. If you choose, I can state other facts with regard to other landlords, previous to the election.

9951. Have the goodness to state the circumstances, in the order in which they took place?—Shall I give particulars?

9952. If you please?—Previous to the election in 1832, William Murray, of Ballinkillen, a tenant of Colonel Bruen, was canvassed by Colonel Bruen for his vote. Murray replied that he would vote for him as his landlord. He then demanded his second vote for a Mr. Kavanagh, the second candidate, and father-in-law of Colonel Bruen; Murray replied that he would reserve to himself the right of disposing, at least, of one of his votes. He was treated contemptuously, in consequence of this answer, by Colonel Bruen, and insulted; the man retired from the election, and did not vote at all. Shortly after the election of 1832, this Murray, who acted as rent-warner to Colonel Bruen, was dismissed his employment as rent-warner. He had a very laborious duty to perform, to come, on an average, twice a week from his own house to Colonel Bruen's office, a distance of about seven miles; he was charged with the care of the trees growing upon that part of the estate; he had to take care of the game, and to attend Colonel Bruen, or any of his friends who had liberty to shoot over the lands; in truth the man's whole time was taken up in his service; and he was dismissed the service after eight years, and told to return in a few days afterwards to settle his account of rent. When he returned, the account was handed to him, and it appeared from the account that Murray owed an arrear of about 36*l.* Murray denied the debt, asserting that he had by services (for he was allowed 10*l.* a year, and only 10*l.* for the laborious service of rent-warner), that he had paid his rent by services and by cash, but only received an acknowledgment on account. That is the general way

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way Colonel Bruen has of managing his affairs. "I shall allow you," replied the agent, "but 5*l.* 5*s.* a year as rent-warner;" the man refused a settlement on these terms, and went home. In a few days afterwards he was served with an ejectment for an arrear of 80*l.* withdrawing the allowance even of five guineas; the agent compelled Murray to pay it in February 1833, thus depriving him of the full wages of eight years. Murray took no steps to recover the debt due to him as servant to Colonel Bruen. He has stated on oath that the motives and the reasons which induced him to adopt such a course were these: first, his unwillingness to have any litigation with a wealthy landlord, or with a gentleman who, through his interest with the sub-sheriff and magistrates of the county, could have a jury as he pleased to find against him. The facts I am now stating I have stated before in open court, Colonel Bruen standing by, and they have never been contradicted.

9953. Do you mean to say that a tenant of Colonel Bruen's, appealing to the laws of his country in the county of Carlow, to the sheriff and the magistrates of the county, would not get redress?—I do mean to say it, and it is the general impression of the people in the county of Carlow, even of the most moderate of the people; you never go into a court even for a day but you will hear the most moderate people retiring say, "I am filled with disgust, and my heart is pained exceedingly with the mockery of justice exhibited in court to-day;" and the more violent swear they will never go again to seek redress there, they will get it otherwise; that is unfortunately the feeling of the people leaving the courts of justice.

9954. Who is your assistant barrister?—Mr. Robinson.

9955. Previous to Mr. Robinson's appointment, who was your assisting barrister?—Mr. Bassenet.

9956. Was the same opinion entertained of Mr. Bassenet?—No, not the same.

9957. Justice was obtained at his hands when an application was made to him for redress?—I was speaking not of the court in which he presides, but of the petty sessions, where Mr. Bassenet does not preside, where the magistrates have it all in their own hands; I know that there is a general anxiety on the part of the county to obtain stipendiary magistrates, and an application I believe to that effect has been made to the Lord Lieutenant and the Government at home, and made by the cess-payers on whom the burthen of paying the stipendiary magistrates is likely to fall.

9958. Then your opinion as to the injustice of the courts is confined to the petty sessions, and does not pervade the other judicial courts of the county?—It does, but not at all so bad.

9959. To what extent do you conceive it operates at the assizes?—I really cannot state.

9960. Is there any injustice shown by the judges in summing up or stating the case to the jury?—I am afraid there is: will I be permitted to add that in Murray's case I published these facts, and they remained uncontradicted either by Colonel Bruen or his agent, or the paper, which is watching every movement or word of mine, and takes a regular chronicle of my proceedings in matters such as these; no contradiction however has appeared.

9961. So far from being disposed to deny, I believe the gentry in the county distinctly avow their determination to crush such of their dependents as deviate from their orders as to elections?—They do avow it, but they would be ashamed to avow a case of oppression such as that of Murray's—plundering him! It is bad taste to apply the epithet plunder when a gentleman is concerned, but when I describe the case of this individual, I cannot help employing strong language.

9962–3. Mention any other case you like?—A respectable tenant of Colonel Bruen, Mr. John Kehoe, having declared himself a Reformer, I believe in 1831, was, in consequence of this act, deprived of 17 acres of bog land, which his family had held for upwards of 30 years; the bog was originally given with a view to cheapen a farm which he had taken at too high a rent; in consequence of his avowing Reform principles in 1831, at the approach of the election he was deprived of the land. Kehoe could have litigated the matter as well as Murray, but he did not wish to come into collision upon such subjects with so powerful a gentleman as his landlord; it was after 30 years' possession of the property that he lost it.

9964–5. Did Colonel Bruen acknowledge that the conduct he adopted towards this man was influenced by his intention to vote against his wishes?—He did; his drivers,

drivers, and persons sent on this business stated fully and freely the orders they received, and the reason; such orders had been given to them, namely, that the tenants voted in opposition to the will of their landlords.

9966. Have you any other cases?—Colonel Bruen compelled several of his tenants to pay three half year's rent within a very short period of time, within six or eight months, in consequence of their votes.

9967. Rent that was due?—Yes, but it is a great hardship to compel a farmer, when his corn and other produce of his land is sold, and the money otherwise disposed of, to pay three half year's rent. He has compelled one tenant, who pays I think upwards of 400*l.* to him annually, to pay three half year's rent, 1,200*l.*, in six months; and another person at the last election having refused the bribery oath when brought to vote for Colonel Bruen, has since been served with notice to pay up an abated rent which had been allowed him for eight or ten years.

9968. The last election to which you have adverted took place in 1831?—I believe so, I may be mistaken as to dates.

9969. Are these solitary examples, or only illustrations of the systems to which you have adverted?—I regret to say they are not solitary examples, they are instances of the mode of acting adopted by some of the landlords of the county.

9970. The question I ask you relative to the particular estate of Colonel Bruen, upon that estate has a general system of persecution been adopted where tenants of Colonel Bruen have violated his directions with respect to their votes?—A general system of persecution has been adopted.

9971. On that estate?—Yes; several tenants were beyond the reach of the landlord, and of course they have remained unmolested; those who were under his control have been threatened, have been one way or other annoyed by their landlord; some of them have been compelled to pay an abatement for the amount of rent (which the fall in the prices of agricultural produce required), and which had been allowed to the tenants for several years; such as were able have been compelled to pay, and some of them not being able to pay have been ejected from their tenements.

9972. You are now speaking of this particular estate?—Yes, Colonel Bruen's.

9973. Did you ever make these charges in print against Colonel Bruen?—I did.

9974. Were they ever denied?—I stated some of these facts so long ago as the year 1832 at the hustings, in the Colonel's presence. Colonel Bruen attempted to deny them at the January election in 1835; I replied, by letter, through the public press, a letter addressed to Colonel Bruen, with my signature, stating the facts, and producing the documents supporting my statement; and from that time to this I am not aware that Colonel Bruen, his agent, his paper, or any one for him, has attempted to contradict them, with the exception that when I was again repeating or reciting the same facts at the June election last, Colonel Bruen stood up twice or thrice, and said, "It is not true." Colonel Bruen, pretending to take notes of the matters, I told him the subject had been in print long before; and, if he was disposed to contradict it, he had got sufficient opportunity, and I would give him at any time a statement of the case, under my own hand.

9975. The documents which you refer to as having been published in the papers, what were they?—I have the papers here, which contain a statement of some of these cases, very fully detailed. This paper has been published in February 1835. A letter is there, addressed to Colonel Bruen, by James Maher.

9976. In the Leinster Independent of February 14th, 1835, did you address a letter to Colonel Bruen?—I did.

9977. Did you in that letter go into minute details of the persecution carried on upon his estate?—I did, with regard to one tenant.

9978. What was the name of that tenant?—That is the widow Nolan; and I did so in consequence of a statement of Colonel Bruen's at the election of January 1835. At that election he contradicted my previous statements; I then addressed to him a letter in the newspaper.

9979. Were the charges which were preferred by you against Colonel Bruen, in the letter of the 14th February 1835, denied by Colonel Bruen?—No, not since, to my knowledge.

9980. Will you state what is the widow Nolan's case, and by what documents you substantiate it in this letter to Colonel Bruen, published in the newspaper; is this connected with the election, in the first place?—It is.

9981. Now give us the outline?—The widow Nolan held a farm of about 40 acres

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40 acres of land, under Colonel Bruen; she had received receipts only on account. In consequence of the depression in price of agricultural produce, an abatement in the amount of rent had been allowed her, and she paid according to that abatement. Her brother-in-law voted against Colonel Bruen in the election of 1832, and shortly afterwards she was served with an ejectment. She threw herself on the generosity of Colonel Bruen, and made no defence. He made her several promises, but it terminated by his turning the poor widow, and her helpless family, to the road.

9982. Now, on the 14th February 1835, you made this charge against Colonel Bruen?—Yes.

9983. And the election took place in June subsequent?—Yes.

9984. Did Colonel Bruen, when he stood candidate for the county of Carlow, on the hustings, at a period subsequent to the time when that charge was made, deny the truth of your allegations?—He did not deny them, to my knowledge.

9985. Has he ever denied this case of the widow Nolan in print?—Yes; I will be obliged to enter into a good deal of detail. I first brought this charge against Colonel Bruen in a speech made at the hustings in 1832. At the election in January 1835, he contradicted my statement. I have seen the report of his speech; it was made in the court-house of Carlow, when Colonel Bruen knew I was absent. In January 1835, Colonel Bruen gave a contradiction to my previous statement made in 1832. Immediately after his contradiction, I replied, by a letter in the Leinster Journal, addressed to Colonel Bruen; and since that time, which is now several months, no contradiction, as I have heard, has appeared of Colonel Bruen, or any person authorized by him, of these facts.

9986. So that you preferred the charge, originally, in a speech in 1832, and Colonel Bruen waited till the election took place in January 1835?—Pardon me; at that time, in 1832, he gave a contradiction to it.

9987. Was it in writing or in speech?—In a speech.

9988. Then, in 1832, Colonel Bruen did deny this charge, and again in 1835?—In January 1835, I brought it forward a second time in greater detail, having furnished myself with all the documents relative to the case, and having made it out fully and clearly. Colonel Bruen having carried his election in 1835, at the close of the election he made a long speech, one half of which he devoted to me and the Catholic clergy; in this speech there was something like a contradiction of my statement.

9989. This was in January 1835?—Yes; and immediately after that speech of his, I addressed a letter to him through the public newspaper.

9990. This was in January 1835?—Yes.

9991. Another election took place in June 1835; did Colonel Bruen at this election in June 1835, on the hustings, contradict the charge you had reiterated against him in print in the February preceding?—No, not to my recollection.

9992. Have you got any answer in print, signed by Colonel Bruen, to your charge made against him in February 1835?—No, none.

9993. Was there any answer to your letter of February 1835?—No answer at all that I have heard of or seen.

9994. So that, in February 1835, you make the charge more specific, you go into detail; you refer to documents for the purpose of substantiating your charge; no answer to your letter appears in print; and at the subsequent election that took place in June 1835, no answer was given at the hustings?—None. Colonel Bruen might have said this, that it is not true, but certainly he did not enter into any detail. I am not aware that he said a single word in reply on that subject; I have not heard it, or seen it, or read it.

9995. Did he say, or have you heard that he said, at the hustings, it was not true?—I have not, not to that particular charge; that answer refers to his speech in June last; I have said before, in June he did make a reply to the statement which appeared under my hand in print in the previous letter of February.

9996. In fact, no answer has been made by Colonel Bruen to your last printed statement?—No, not that I am aware of.

9997. Can you mention any other instance of persecution?—I can mention the case of Walter Carty, of Orchard, in the county of Carlow. I hold in my hand his affidavit giving his own case, which, with the permission of the Committee, I will read: it is very short.—"County Carlow, to wit. Walter Carty, of Orchard, in the county of Carlow, late a tanner, came before me, one of His Majesty's justices of the peace for said county, and maketh oath on the Holy Evangelists, and

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and saith, that he held a lease of about 17 acres of land, the reserved rent, as he believing, according to lease, was 2*l.* 5*s.* 6*d.* per acre; that deponent never paid more than 25*s.* an acre, the full value of the land, which he had paid regularly; was brought by Colonel Bruen's agent and registered as a rent-payer of 25*s.* per acre; that in 1832 deponent refused to vote for Colonel Bruen, but did not vote against him; that he was soon after ejected for non-payment of rent at 2*l.* 5*s.* 6*d.* per acre; took no defence, thinking it better to rely on Colonel Bruen's generosity; that he has since been dispossessed of his lands; that deponent complained the day he lost the possession of his land of bad treatment, to which Henry Carey, Colonel Bruen's agent, replied, that at the election he, deponent, gave a bad example, like Murray staying some days in Carlow; that deponent's lease was lodged in the hands of Colonel Bruen; that he, deponent, wished to have it, asked for it, but was never permitted to take it into his hands; that he knows not whether the abatement in the amount of rent was or was not entered on the back of his lease; that his land has since been given to Andrew Kavanagh, who voted for Colonel Bruen, and that deponent has been turned to the road." His mother has been reinstated in the dwelling-house, where she is permitted to reside up to the present hour as a caretaker.

9998. You had better go on with any other instance of persecution that you wish to refer to?—There is another case which I have detailed in the public papers before, the facts of which have remained uncontradicted up to the present hour.

9999. State them?—James Murphy, of C——, held under Colonel Bruen a farm of 11 acres. At Colonel Bruen's agent's request, he made some years ago some three 40*s.* freeholders, giving to each a house and garden for a shilling a year. Whilst Murphy's few acres were thus encumbered by Colonel Bruen's freeholders, he contracted about 56*l.* arrears of rent with his landlord, the interest of the three freeholders under their leases continuing about 10 years on an average. Murphy was a loser by the transaction between himself and his landlord in the sum of about 70*l.* Thus the case stood about 16 or 18 years ago: arrears due to the landlord 56*l.*; loss incurred in making freeholders for Colonel Bruen about 75*l.* For these arrears, in consequence of his vote in 1832, he was served with an ejectment by Colonel Bruen. Murphy appealed to the public, raised the sum by loan, by contributions from his friends, and reinstated himself in his little farm, which he himself had cultivated for about 40 years. The crops reaped while Murphy was out of possession of the land (for he lost possession for six months under the deed of ejectment) have been valued at 40*l.* Colonel Bruen's agent decided as he pleased on the subject, and allowed Murphy but 25*l.* Out of these 25*l.*, after the payment of a year's rent, a balance was due to Murphy; he sought for a settlement with his landlord, and to get possession of those few pounds, but he was kept out of them one or two years; and thus the case stood, without a particle of exaggeration, when I took my statement of it. That statement had been published in January 1835, and up to this hour I am not aware (and Colonel Bruen knows it) that it has received any contradiction, either from him (Colonel Bruen), or the paper in his interest, or his agent, that I know of. I beg to correct myself: Colonel Bruen's agent, in 1835, stood up in the court-house, and said to me, in contradiction to some facts I stated, I believe the facts now referred to, "You lie, you blackguard."

10000. This was at the hustings at the election of January of 1835?—Yes, when I stood as a freeholder in the discharge of my public duty.

10001. You made a speech as an elector?—Yes.

10002. And you then publicly and orally repeated the charges connected with this case which you had subsequently preferred in print?—I cannot say precisely it was to this charge that I gave publicity then, but the only contradiction then to any of the facts stated by me on that occasion was that to which I have referred.

10003. What is the date of that letter?—The paper in which it appears is dated the 31st January 1835, a week or 10 days after the election.

10004. So that you made the charges at the hustings in January 1835; you were contradicted in this uncourteous manner by the agent of Colonel Bruen; you had gone into details in your speech; and the contradiction that was given to you contained no details; you afterwards published a statement of the facts which you had previously stated orally, and to that publication there was no reply?—No reply.

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10005. You are positive about that, that there was no reply?—My only anxiety is that there may be no mistake on the matter. From that period down to the election of June there was not a word of reply; I say so most positively, at least it did not appear in any of our papers. At the election then in June, Colonel Bruen once or twice replied by saying, "It is not true, it is false," but no details contradicting my statement appeared from him or any body else.

10006. Now, just recollect as well as you are able all the circumstances connected with these charges in the publications upon both sides. I find in your own letter the following words:—"In replying to the charge of persecuting the widow Nolan, of Ballinkillen, you not only seek to justify yourself, but with vast complacency assert that your conduct towards her was marked by an unexampled patience and anxiety to serve her." What does that refer to?—It refers to a statement made by Colonel Bruen when I first preferred the charge, namely, in 1832; and again, in January, he returns to the matter a second time, at the conclusion of the election.

10007. January when?—January 1835.

10008. By letter or speech?—By speech; he contradicted my statement in January 1835 at the conclusion of the election, when the defeated party to which I belonged were all away, and when I had no opportunity of replying to him, but immediately afterwards I stated the matter in print through a public paper, in a letter addressed to Colonel Bruen, and since that letter no contradiction has been given to the statement, I believe.

10009. Now so much for the widow Nolan's case, but in another part of the letter I find this addressed to Colonel Bruen: "your statement regarding James Murphy, when placed in juxta-position with the real facts of the case, will bring out your generosity;" now what statement did Colonel Bruen make on that subject?—He made a statement on the subject in a speech at the January election in 1835; the extract you have read is from my letter printed shortly after the January election, but we have had an election since that time.

10010. Then after the publication by you in January, subsequent to the election of January 1835, there was no reply in writing made by Colonel Bruen, and at the hustings in June 1835, where he had an opportunity of contradicting you, he did not do so?—No, unless by a monosyllable.

10011. Did you repeat your charges at the hustings in June 1835, the last election?—I repeated some of them; I repeated the case of Murray, of Ballyhackett; in fact, I have had so many cases, that I do not know which I repeated, but the matter is quite clear, there has been no detailed contradiction to my two letters; I published two letters after the January election of 1835; there was no contradiction from that to the June election, none that I know of. I know nothing of his contradiction at all, from the time of the publication of my letters up to the present hour.

10012. You mean to state that you know of no detailed contradiction since the publication of either of your letters in 1832 or 1835?—There is no letter of mine published in 1832, they were both published subsequent to the January election in 1835.

10013. Then you know of no contradiction of Colonel Bruen's since the publication of either of your letters of 1835?—Not a word of contradiction from that hour to the time of the election in June. Then I re-asserted some of these statements again, and to those Colonel Bruen, to my knowledge, has given no detailed contradiction, no contradiction beyond a nod of dissent.

10014. Then you mean to say Colonel Bruen has not given any contradiction beyond a nod of dissent?—Or a monosyllabic reply, "it is not true," or something of that sort.

10015. He has not entered into the case at all?—No, not at all.

10016. Can you specify any other cases of persecution?—I can.

10017. Now with respect to this contradiction to your charges made in the year 1835, have you been in the habit of reading the papers in the Conservative interest, so that you could be positive there had been no contradiction?—Let me understand your question aright; do you refer to the two letters I have written, one in January and the other in February 1835?

10018. I do, and I want to know positively and distinctly whether there was a contradiction by Colonel Bruen in print to the specific charges brought by you?—From the publication of these letters down to June election last, I can say positively there was not, in any of the papers, a single word of contradiction, and

the reason for my being so precise is this, that I had actually had it in contemplation to taunt the Carlow paper once or twice for its silence on that subject.

10019. What do you mean by the Carlow paper?—The Carlow Sentinel, to taunt the whole party with suffering charges militating against the character of Colonel Bruen as a landlord and as a man of honour to remain uncontradicted so long a time; I do say this most positively, that no contradiction had been given down to June election; the conversation that I have referred to, nods of dissent, no and yes, and so forth, occurred in the public court-house, and in some paper in the Conservative interest something in the same way appeared, of which I have a very indistinct recollection, stating that I uttered so many falsehoods, and so forth, vague contradictions, not sanctioned by a letter from Colonel Bruen.

10020. So that from the time at which you preferred your charges in detail in the year 1835 down to the present moment, there has, as far as you know or believe, been no contradiction signed by Colonel Bruen in the public papers?—Not that I have heard of; if there had been, I should have replied to it.

10021. Might there not have been a contradiction in the Government Evening Mail without your knowing it?—I recollect a portion of his speech being reported in June, a speech made at the conclusion of the January election, reported in the Evening Mail, but I do not recollect that there was a word of contradiction of my statement in that report of his speech.

10022. This was a speech delivered in January 1835?—Yes.

10023. Your letters were subsequent?—Yes.

10024. Now we will leave that estate; was persecution upon a large scale carried on upon other estates in the county of Carlow by landlords, in consequence of tenants voting against their wishes at the elections?—There was; I should mention particulars; on a certain night during the last election for the county of Carlow, Mr. Harvey, acompanied by Mr. Walter Newton, magistrate of the said county, and Henry Newton, his brother, and some of the military and police, came to the house of a freeholder and tenant of Mr. Harvey's at the hour of about eleven o'clock at night; on their arrival, the freeholder, Christopher Byrne, concealed himself from his visitors in a room of his house; Mr. Harvey ordered a light, and went in search of him, and finding one room door closed where Byrne was concealed, he broke it open and brought him out, and in the presence of others asked him to vote for Colonel Bruen and Mr. Kavanagh; Christopher Byrne refused to vote for Colonel Bruen, and after Mr. Harvey and Mr. Newton had used various arguments to induce him to vote agreeably to Mr. Harvey, his landlord's wishes, Byrne still refusing to comply, he addressed him in a very emphatic manner: "I will eject you the Monday morning after the election, and send you and your family to the road." Byrne replied by saying "the world was wide;" Mr. Harvey then said to Byrne that he should come with him at that time; Christopher Byrne and Mr. Harvey, and Mr. Newton and the military then proceeded from Byrne's house and went in the direction of Bagnalstown; Byrne was detained during the night, and made his escape next day and came into the county town and voted for the liberal candidates.

10025. How do you know the truth of the statement of Mr. Byrne?—I read it from the affidavit of a person who was an eye-witness of the whole transaction.

10026. Whose affidavit?—The affidavit of David M'Donald. Christopher Byrne would not wish to make such a statement on oath, for fear his landlord should hear it.

10027. Do you know the man who made that affidavit?—I do not.

10028. Do you know the officer of police or the military officer who accompanied the detachment that night?—Mr. Walter Newton was the magistrate; I dare say the military were under his command.

10029. Do you know what other officer was there?—I do not.

10030. Are you aware of any officer being in attendance?—I am not aware of any.

10031. There were military in attendance?—Police and military.

10032. Do you know the numbers of the police?—No.

10033. Do you know the regiment?—No.

10034. Was it infantry or cavalry?—I cannot state which. I state the matter on the oath of Christopher Byrne. I have been informed that he is a man of credit, a creditable witness; that he is an individual of good character, and incapable of stating untruths.

10035. This M'Donald?—Yes.

10036. Had

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10036. Had you any conversation with Byrne himself?—Not a word.

10037. Then this evidence of yours, with the exception of the affidavit you produce, is what you have heard from others?—In fact, I have not given any thing except what is stated in the affidavit.

10038. Just read the affidavit?—"County Carlow, to wit. David M'Donald, of Lorum, in the county of Carlow, came before me, one of His Majesty's justices of the peace for said county, and voluntarily maketh oath on the Holy Evangelists, and saith, that on one night during the last election that took place in the county of Carlow, that he was at the house of Christopher Byrne, of Ballinkillen, freeholder, and that as he was leaving the house he observed J. W. Harvey (who is landlord of said Christopher Byrne) coming into his (Christopher Byrne's) yard, with Walter Newton, magistrate of said county, John Newton, brother of said Walter Newton, and some military and police; that he immediately drew back into the house and told the circumstances to Christopher Byrne, who went instantly into the room; that it was then, to the best of deponent's belief, about 11 o'clock at night; that Mr. Harvey and Mr. John Newton entered the house, and asked Christopher Byrne's wife where her husband was: she replied that he was not at home. Mr. Harvey took a candle that was then lighting and entered one of the rooms in search of him; not finding him there, he proceeded to another room, the door of which he could not open; after making some exertion to open the door, said Harvey drew back from it, and kicked it violently three or four times with his foot, and at length he broke the jamb of the door, and then entered the room and brought Christopher Byrne out of it, holding him by the breast of the coat; that Mr. Harvey then insisted that Christopher Byrne should come with him to vote for Colonel Bruen and Mr. Kavanagh; that Christy said he would not vote for Colonel Bruen; that after Mr. Harvey and Mr. John Newton had used various arguments to induce Byrne to vote agreeable to Mr. Harvey's wishes, that Christopher Byrne still refused; that Mr. Harvey then addressed Christopher Byrne in a very emphatic manner, and stretching out his arm said, 'By this arm that grows out of my body, I will eject you the Monday morning after the election, and send you and your family to the road.' Byrne replied by saying that the world was wide. Deponent further sweareth that Mr. Harvey then said to Byrne that he should come with him at all events, whether he voted or not; that Christopher Byrne, and Mr. Harvey, and the Mr. Newtons, and the military, proceeded from Byrne's house, and went in the direction of Bagnalstown."

10039. Before whom was that affidavit taken?—Before Mr. Thomas Houghton, magistrate of the county of Carlow, residing in the town of Carlow.

10040. Were the facts that are stated in that affidavit, and of which you have given evidence, mentioned in any paper in the liberal interest in Carlow?—I cannot say; not to my knowledge.

10041. You do not know?—No.

10042. Was this fact of the violent abduction of Byrne from his own house, was it generally known; was it a matter of notoriety in the county after the election?—I heard of it the day after it occurred; I have heard 20 persons speaking of it since.

10043. Nevertheless it has not appeared in any of the liberal papers?—I do not know

10044. Did the "Independent" charge the aristocracy of the county with having resorted to use of the military for the purpose of compelling the tenants to go with them?—I dare say such charges have been made by the liberal paper.

10045. Did you see them?—I very seldom read those papers.

10046. Now, pass on to any other case that you think proper to mention?—Mr. Harvey came to the house of Lawrence Nolan, of Ballinkillen, on the 13th of June 1835, and made use of various arguments to induce him to promise to vote at the approaching election according to his wishes, and when Nolan persevered in refusing to comply, Harvey addressed him in these words: "Recollect what I now tell you, that we (meaning the landlords) are sworn not to give any land to Roman Catholics, and in case we cannot get Protestants enough, we will give it to Roman Catholics in such a way as that they cannot vote out of it." And Mr. Harvey declared that unless he voted as he wished, he would insist on being paid a half year's rent the day after it became due, and Mr. Harvey has since carried his threat into execution by insisting on the rent being paid the very day after it became due. Mr. Harvey also told him that he had made a present of half a year's

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year's rent to Patrick Holden, who is a freeholder and a tenant of Mr. Harvey and residing on the same townland with Nolan, giving Nolan to understand that Holden had been thus treated for having voted according to the wishes of his landlord; and he proceeded to say, that if he (Nolan) would vote as his landlord required him to do, that he, Mr. Harvey the landlord, would not ask any rent of Nolan for three half years. Nolan voted at the last election for the reform candidates, and he adds, that no person sought, by threat or intimidation, to influence his vote at said election, save the threat and intimidation of Mr. Harvey his landlord.

10047. Read the affidavit?—" County of Carlow, to wit.—Lawrence Nolan, of Ballinkillen, freeholder of the said county Carlow, came before me, one of His Majesty's justices of the peace for the said county, and voluntarily maketh oath on the Holy Evangelists, and saith, that J. W. Harvey, Esq. of the county Wexford, and landlord of Ballinkillen, came to his house on Saturday, the 13th June 1835, and made use of various arguments to induce him to promise to vote at the then approaching election, according to his said Harvey's wishes; and that when the deponent persevered in refusing to comply with his, Mr. Harvey's, wish, that Mr. Harvey then addressed him in these words: ' Recollect what I now tell you, that we (meaning landlords) are sworn not to give any land to Roman Catholics; and that in case we cannot get Protestants enough, we will not give it to Roman Catholics, in such a way as that they can vote out of it;' and deponent further sweareth, that said Mr. Harvey declared to him that in case he would not vote as he required him to do, that he would insist upon being paid the half-year's rent the day after it became due; and deponent sweareth, that he, Mr. Harvey, has carried his threat into execution, by insisting upon the rent being paid the very day after it became due since; deponent further sweareth, that said Mr. Harvey declared to him on the day before mentioned, that he, Mr. Harvey, had made a present of half a year's rent to Patrick Holden (who is a freeholder, and tenant of Mr. Harvey's, and residing in the same townland with deponent); giving deponent to understand that Holden had been thus treated for having voted according to the wishes of his landlord; and deponent further sweareth, that said Mr. Harvey stated to him that if he would vote as he required him to do, that he, Mr. Harvey, would not ask any rent of deponent for three half years; and deponent further sweareth, that he voted at the last two elections in this county for the Reform candidates; in June for Mr. Vigors and Mr. Raphael, and in January for Mr. Cahill and Mr. O'Connell, without being induced to do so by any threat or intimidation, or promise of reward, but from his own free will and conviction, thinking that by so voting he acted more in accordance with his feeling, with his judgment, with his conscientious obligation, and for the interest of the public, than if he voted for the candidates who were opposed to them; and deponent further sweareth, that no priest sought, by threat or intimidation, to influence his vote at the election; and that the only threat or intimidation ever made use of towards him for such purposes was that used by Mr. Harvey, his landlord aforesaid."

10048. What is the date of that affidavit?—The 22d July 1835.

10049. Are you confident that that affidavit has not any relation to the sitting of this Committee on intimidation, observing that the word intimidation is used in that communication, and the date is July?—When I received a summons from this Committee to attend, I thought it my duty to furnish myself with facts on all sides, regarding matters of intimidation and threats, or undue influence by landlords or priests, or others, at the elections. I then furnished myself with these affidavits.

10050. And these affidavits have been made subsequent to the intimation you received to attend this Committee?—Yes. I hold now in my hand the letter of the said landlord, addressed to the tenant, in which violent threats are held out to the tenant unless he votes as his landlord wishes.

10051. Read the letter?—This is to the gentleman who made the affidavit: " My dear Sir, I was sorry when I arrived here at not finding you at home, as some minutes' conversation would explain more to you than I have at present time to put upon paper. I should not have interfered with your voting for the man of your own choice but for the undue influence that is now so shamefully exercised over you by your pastors, whose highly improper conduct in temporal matters has brought this country into such a distracted state. I do now pledge myself, as a soldier, that unless you vote with me for Colonel Bruen and Mr. Kavanagh, that I shall immediately distrain for my rent, and shall continue to do so.

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so in future the day after it becomes due if it should not be paid; and that moreover, that I will not renew with you when your lease shall have expired. These are, I am ready and sorry to say, violent threats; but when I consider the means your pastors have taken to obtain their ends, I do not think they are more so than the emergency of the case requires. Make me your friend or your enemy. I need hardly tell you that your own good sense will point out to you which of the two you ought to be. I am your obliged, James W. Harvey."

10052. The date?—The letter is without date.

10053. Is it "your obliged" or "obedient?"—"Obliged."

10054. Sent by post, or how?—He came to his, Nolan's, house, and wrote the letter at his house, in the presence of his wife.

10055. About what date is it?—Shortly before the election in June last.

10056. What station does Mr. Nolan hold?—He is a very respectable farmer.

10057. How much land does he occupy?—I cannot say, but he is a very independent man, possessed of money and property.

10058. Is he a 50*l.* freeholder?—I dare say he is; I cannot say of my own knowledge. Here is Mr. Harvey's agent's letter, demanding the rent, and executing the threat.

10059. Read that?—"Mr. Nolan,—Sir, I am directed by Mr. Harvey to let you know that I will be in Ballinkillen the 2d day of May next, for one year's rent, due by you on the 1st day of May; if not paid on that day, proceedings will be taken, according to law, for the recovery of the same immediately. Sir, I am your obedient servant, John Roche. Tommahim, April 3d, 1835."

10060. Now, it would appear from that letter of Mr. Harvey's, that he acted under the impression that the priests had interfered in obtaining votes of freeholders against the wishes of their landlords; that they had actively interfered in the elections?—It would appear so.

10060*. Is Mr. Harvey, previously to the election in former years and other circumstances, a moderate and good landlord, or is he proverbial for strictness and severity?—I have no knowledge of Mr. Harvey, he does not reside in our county; I knew nothing of him as a landlord until these facts were told on a very late occasion regarding his conduct in the case of Christopher Byrne, and his conduct towards Nolan.

10061. His motive however for that conduct is openly avowed in his letter?—You have only to read his letter to see it.

10062. Have you any reason to believe from what you have heard of Mr. Harvey, that there is any assumption contrary to the truth in that letter, or contrary to what he believed to be the truth, or do you imagine that he believed that he was asserting a mere pretext for the harshness he has observed towards his tenants, or that he acts upon the belief that the priests have actually conducted themselves in the manner he describes, using great interference with the freeholders?—If Mr. Harvey takes his report of the conduct of the Catholic priests of the county from the Carlow Sentinel Conservative paper, he must think they are very bad indeed, for half the business of that Carlow Sentinel is to misrepresent them, to belie them, to utter all manner of falsehood against them; if Mr. Harvey chose to acquire correct information, he could have learnt that the priests in that district have conducted themselves with great moderation.

10063. But as you do not know Mr. Harvey, you have no means of forming an opinion as to the extent of the influence he was under when he sent that letter?—He may select what sources of information he pleases.

10064. Have the goodness to go on with the detail of the cases?—I have here a letter from a very respectable person of the county of Carlow, John Whaley; he states that he has been called on by Mr. Charles Doyne, his landlord's agent, in January last, for the Michaelmas rent; he offered the rent, but the agent declined receiving it unless he paid him a further sum of 3*s.* 10*d.* for tithe, which for the first time he as landlord demanded, telling him that unless it was paid he would serve him with a writ from the Court of King's Bench for the recovery of the 3*s.* 10*d.*; he was afterwards served in a few days with a latitat, which he put into the hands of an attorney; three other persons in the same town with Mr. Whaley were served in like manner with latitats for small sums of a few shillings; on the service of the writ they paid the amount, together with 2*l.* 15*s.* each costs; up to this time he was on excellent terms with his landlord, and considered by him a very good tenant; "I displeased him," he continues to add, "by not voting as he

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he wished; I took the liberty of thinking and acting for myself, and hence it is I have got no quarter."

10065. What is the date of that letter?—It is dated July 21st, 1835.

10066. Hand in that letter?—" Tullow, 21st July 1835. Reverend dear Sir, I was called on by our agent, Mr. Charles Doyne, in January last for the Michaelmas rent, as was customary; I answered the call, but he declined taking the rent which I tendered him unless I paid him a further sum of 3 *s.* 10 *d.* for tithe, which he for the first time demanded, telling me he would sue me by latitat, and very faithful he was to his promise, for I was served in a few days after with a latitat, which I put into the hands of Mr. Joseph Meagher, attorney, by whose advice I was guided; there were three other persons in this town served at the same time, Captain Carter, who is at present in Kingstown, Michael Fimmin and David Fenlon; the latter two persons for equally small sums; by the advice of our attorney we submitted, but have to pay 2 *l.* 15 *s.* each of us (as you will see by the enclosed receipts) costs, which I thought, even though he had the right, to be very severe to run a good and punctual tenant to such expense for the recovery of so small a sum, and was never applied to but once; previous to our elections I stood well with the landlord and agent, but I displeased them, I would not vote as they wished; I took the liberty of thinking and acting for myself, therefore I get no quarter. I have the honour to be, reverend dear sir, your obedient and very humble servant, John Whaley."—And here are the receipts for the small sums of tithe: on the 19th of March Mr. Charles Doyle, agent to Lord Beresford, at a meeting of his lordship's tenantry on the townlands of Clonagan, declared that he would not give an acre of land to any person on that part of his estate, and that Lord Beresford was determined to provide a class of tenants for his estate, over whom priests should have no influence; Mr. Doyle, the agent, in continuation denounced two of the tenants by name as having taken an active part at the election, and voted against Colonel Bruen, and expressed his hatred of the persons in consequence, and hoped there was somebody present to make these opinions publicly known; James Neale, of Rahee, voted in 1832 for the Reform candidates, owed about half a year's rent, held his land under two leases, and without receiving any regular notice to pay his rent, was served with two latitats and put to 6 *l.* costs, although he was prepared to pay his rent, and only waited to have it called for by the agent.

10067. This was in consequence of the election?—Yes. Mathew Murphy, of Knockmore, was similarly treated. Michael Carty, Thomas Kavanagh, Patrick Healy, Thomas Brenan, and James Carty, all tenants of Lord Downs, held their lands under leases executed upwards of 40 years ago, and an abatement entered on the back of the lease of 10 *l.* annually was granted as a compensation for reclaiming the land and clearing off stones from the premises. These persons voted for the popular candidates, offered the usual payment of rent, which has been refused by the agent, Mr. Fitzmorris, unless the 10 *l.* allowed for reclaiming the land was also paid. They were obliged, for fear of ruinous law expenses, to submit and pay it. Captain Owen, agent to Lord Courtown, had a meeting with his tenantry, and in their presence swore that if they did not vote as he wished, on the expiration of their leases they should never till an acre of land on his estate. Mr. Kavanagh's tenants have been deprived, in consequence of their vote, of the right of turbery. John Burn and James Dalton cut turf as usual this year; Mr. Kavanagh's driver and bog-ranger by his order destroyed the turf, summoned the parties to the borough sessions, and fined the parties as trespassers in the sum of 1 *l.* each, or one month's imprisonment. The magistrates were Mr. Richard Doyne, Mr. Kavanagh's under agent, and Mr. Henry Newton. Mark Flood, of R——, was served with a latitat by order of Mr. Richard Doyne, agent to Mr. Kavanagh, for rent amounting to 10 *l.*; never asked until served with a writ; costs in the case 3 *l.* 5 *s.* 3 *d.* Thomas M'Cabe, of Rock Savage, paid his rent on the 1st of May to Thomas Corcoran; Corcoran was indebted to the head landlord, Mr. Kavanagh; and for Corcoran's rent, who is a supporter of Mr. Kavanagh, M'Cabe's cattle were distrained and canted, I have heard since I came to town, on last Monday, the 20th July. William Leach, in violation of the revenue laws, sold some whiskey and beer on the 11th December 1834; again sold whiskey on the 19th December, and was threatened with a prosecution. Previous to the election for the borough (he is a borough elector) he was told if he supported Mr. Francis Bruen, the prosecution would be suspended: he voted for the Reform candidate, was soon after prosecuted, and fined in a sum I believe of 50 *l.* in three cases. He

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was assured by a messenger from a magistrate of the town of Carlow, and a revenue officer, that they would suspend the prosecution if he supported the Government candidate. The fine generally inflicted for such offences is about 40 *s.* in Carlow; in his case, dividing one case into three, they inflicted a penalty in each case of 50 *l.* which they mitigated afterwards to 12 *l.* 10 *s.* each; 37 *l.* 10 *s.* was the entire penalty. The offence was committed in December; he was not prosecuted till four months afterwards, after the date of the subsequent election; whereas it should have been brought on at the next petty sessions.

10068. Do petty sessions intervene?—Every Thursday there is a petty sessions, and they did not prosecute him for four months after the commission of the offence. When he voted against their wishes they prosecuted him.

10069. Was it selling without a license?—Yes, under these circumstances: a man of exceeding bad character came in and called for whiskey; the family replied they sold no whiskey, received the money from informer, sent out to a licensed house, bought the whiskey, and gave it to him; such was the testimony of one of the witnesses in the case; yet Leach was fined in a penalty of 50 *l.*

10070. And under the circumstances, this man William Leach was fined in the highest penalty the magistrates could inflict?—Yes, afterwards mitigated.

10071. Afterwards mitigated by the excise?—Yes. The very magistrate who presided on the bench and inflicted the penalty was the man who sent word that the prosecution should be stayed if he voted for the Government candidate.

10072. Who was the magistrate?—Mr. William Fishborne was the magistrate.

10073. Who was the messenger?—The messenger was a particular friend of the Conservative party, Mr. Edward Dowling.

10074. Who was the excise officer?—Mr. Jones.

10075. Did he accompany the messenger?—No.

10076. But Jones's name was used by the messenger as being a party to the promise?—It was.

10077. That may not be true?—It may not.

10078. Then the messenger Dowling used the names of Mr. Fishborne and Mr. Jones?—Yes.

10079. Are you aware whether Mr. Fishborne communicated his message to William Leach in the presence of other persons?—Mr. Fishborne's agent on that occasion was Edward Dowling, and he communicated this information to Leach in the presence of his wife.

10080. Now this case was afterwards tried by the petty sessions?—Yes.

10081. And the same magistrate, Mr. Fishborne, who had tampered with the freeholder, William Leach, also on that occasion proceeded to inflict the penalty?—Yes.

10082. Did William Leach on that occasion bring forward the circumstance of the messenger Dowling having made those unlawful applications to him?—No, I think not.

10083. Did his wife or any one in the court state the fact as being one which ought to set aside the verdict against him altogether, or in extenuation of the offence?—I am not aware that it had been stated by any person in the court.

10084. Was not Mr. Fishborne himself on the bench?—Yes, he was.

10085. Were there other magistrates on the bench?—I dare say there was, but I was not in the court-house myself.

10086. You have not heard what other magistrates were there?—No.

10087. Did William Leach, before he was tried, state these circumstances to other parties, or did he state them subsequent to his trial?—I think he stated them both before and after the trial, and he has sent a memorial to the board of excise, and made an affidavit complaining of the injustice done him, an affidavit of the facts which I now give in detail.

10088. Did he in his memorial to the board of excise make any reference to the election?—I apprehend not; I thought that might militate against him, knowing the power the excise officers and the magistrates have; he was afraid to bring such a charge against them.

10089. About what period was this memorial and affidavit sent into the excise?—Shortly after the infliction of the penalty.

10090. And now I think you stated that the penalty was not inflicted until four months after the occurrence in December?—Yes.

10091. That must have been therefore in the month of April?—Exactly so.

10092. He

10092. He must therefore have sent this memorial to the excise office in the month of April?—I think so; perhaps April or May, very shortly afterwards.

10093. At that period a change of Government had taken place; had not there a change of Government taken place previous to this memorial, an affidavit being sent to the excise?—I do not know exactly when the change of Government took place.

10094. Do you know whether that memorial was or was not sent in before the change of Government?—I do not.

10095. Do you know whether any answer between the month of April and the present date, the month of July, has been sent to William Leach in consequence of his memorial?—I have not heard of any answer being sent.

10096. Have you heard any inquiry into the conduct of Mr. Jones the exciseman?—No, I have not.

10097. You are sure this memorial and affidavit did go about the end of April to the excise department?—I am sure it was put into the post at Carlow.

10098. Has the fine 37*l.* 10*s.* been paid by William Leach?—William Leach sought of the excise office a little time to get an answer to his memorial before the payment of it; he would not allow him any time. Leach then offered securities, and I myself offered to become one of them, for the payment of the entire debt, and to bring with me any person or gentleman in the town of Carlow, as a sound security for the payment of the full amount, praying the excise officer not to levy the penalty on Leach, for levying the amount upon him would have ruined him; but the excise officer would not take my security, and I therefore paid a portion of the penalty.

10099. Mr. Jones would not take your security?—No; I paid 18*l.* out of my own pocket, and another person paid the rest, Leach not being able to pay the demand, and it rests so to the present hour. It is usual in such cases to give time to the memorialists to receive an answer from the board.

10100. Now as you were a party to this transaction in relieving William Leach from the original demand of the excise office or of Mr. Jones, have you during the last four months not received any answer from the excise department in Dublin, advised him to report that application of his, or have you taken any other steps to ascertain what answer the excise board will give to Mr. Leach's application?—I advised Leach to repeat his application several times.

10101. And what was his answer?—He said he would; and whether he has received an answer or not I do not know.

10102. When did you last speak to him on the subject?—About a fortnight since.

10103. At that time had he received any answer from the board of excise?—I do not think he had.

10104. Being a debtor to you in the amount of 18*l.*, is it not likely that he would have informed you if he had received any information?—It is very likely; I believe he has not had any answer to his memorial up to that time.

10105. Is this transaction one of notoriety in the town of Carlow?—There are some parts of it well known, namely, that the man has been fined, but I dare say it is not known who paid the penalty.

10106. The petty sessions court was open while the transaction was going on?—Yes.

10107. The transaction therefore, as regards Leach, is very public?—Yes.

10108. Has it been noticed in the liberal papers?—I am not aware it has.

10109. It has not been taken up as an act of great injustice towards the man, and of great impurity in the administration of justice, that the magistrate should act in such a manner?—It has not that appearance at all amongst us; such cases are occurring very frequently, and we are obliged to bear with them very patiently.

10110. Do you mean that you are obliged to bear with them from Mr. Fishborne the magistrate, or from other magistrates who act in the town of Carlow?—There are several of the magistrates, in whose administration of the laws the people have no confidence whatever; the most moderate men in the town of Carlow, if called upon, would swear they would sooner suffer injury than seek redress in such courts as our petty sessions, and I myself would rather suffer injury and loss of property, than run the chance of redress in the courts in which the magistrates preside.

10111. I think you mentioned that it did not appear, either on the memorial to the excise or on the trial, that the election had any thing to do with the prosecution?

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tion?—I think it did not; I do not recollect to have seen or to have read the memorial myself; but I recollect being asked whether it would be proper to complain of the conduct of the excise officer in the transaction as an electioneering partisan, and I think my advice was to leave that out, and seek the mitigation of the penalty; otherwise, I added, you will excite Fishborne, Jones and the whole of the party against you, and probably lose the full amount of the penalty.

10112. Is this man Leach one of your parishioners?—Yes.

10113. He is a person that would apply to you for spiritual assistance and consolation; he would go to you to confess?—Never; he came to me in this case, when he was oppressed by magistrates; I do not think he ever applied to me before in his life.

10114. I ask whether he, being one of your parishioners, would he go to you to confess?—He is at liberty to go to whom he pleases; he is not bound to come to me or any other particular person.

10115. Has he ever been in the habit of confessing to you?—Never, never in his life. My attention was attracted to his case by the peculiar hardship of it—a young man lately married, crushed legally by magistrates, by excise officers! I said, "I have got a few pounds in my pocket, and I will save him; I do expect to lose the entire amount; and I have expended hundreds in a similar way, to save men who were about to be crushed by landlords and others."

10116. Out of your own small resources?—Yes; and I believe there is not a clergyman in the county of Carlow who could not say that he has raised money on his security, or advanced it out of his own pocket, to relieve those who are suffering persecution from landlords, magistrates and masters, in consequence of electioneering contests. In Mr. Alexander's case I recollect to have lent to his tenants without any security 50*l.*, to relieve them when they were persecuted for having voted against their landlord's wish.

10117. Can you mention about what time the summons was served upon Leach?—No, I cannot.

10118. The offence took place in December?—It did.

10119. Was he served with the summons at once, do you know?—I think he was tampered with shortly afterwards, and told again and again, we will not proceed against you if you do your duty at the next election in favour of the Government candidate.

10120. The election took place in January?—Yes.

10121. Was he served with the summons before the election or afterwards?—Certainly not served, I think, till after the election.

10122. On what day did the election take place?—I really cannot say.

10123. Was it in the middle of the month of January?—The offence was committed in the middle of December, the election took place on the 21st of January.

10124. Do you think that three weeks elapsed from the time of the offence to the time of the service of the summons?—I think more than a month.

10125. Then the summons must have been served after the election?—Yes, and after the political offence.

10126. The petty sessions sit twice a week?—On Thursday only, once a week.

10127. When did Leach go to you, and communicate for the first time that Dowling had brought him this message?—I heard, just about the time he was brought to trial, the 23d of April, for the offence committed in December.

10128. Did you in April hear, for the first time, that an attempt had been made to tamper with Leach?—I really cannot say what time I heard of it first, but I heard that these attempts had been made, that Leach had been tampered with previous to the election, and threatened and promised.

10129. I want to know this, at what time you first heard this attempt had been made to tamper with Leach?—I think about the time Leach was brought to trial.

10130. Then you did not hear of this till three months afterwards?—About that, I believe.

10131. Did you apply to Leach to vote for the popular candidate at the election?—Yes, I did.

10132. Did he at that time tell you he was in this embarrassment, and that Dowling had made the application to him?—I believe he did, that he was embarrassed with this case; I am almost certain.

10133. Are you positive, in your application to Leach in January to vote for the popular candidate, Leach told you that there was a prosecution hanging over his head, or that he expected a charge?—He did tell me at that time that he would

be prosecuted if he voted with the liberal party; he did, I do now distinctly recollect it.

10134. Then a threat was held over Leach, that he would be served with a summons and prosecuted, in case he did not vote for the Conservative candidate; and before the election itself, he told you that?—Just at the election he told me these things; I have a distinct recollection now, that the case of having paid him a visit has been brought to my memory.

10135. Is Mr. Jones a magistrate?—I believe not.

10136. Did you call on Leach in January previous to the election for the purpose of canvassing?—I did.

10137. It was on the occasion of your canvassing for his vote that he informed you of the position in which he was placed as regards the excise?—It was.

10138. And then it was that Leach determined to vote for the popular candidate promising you his vote?—It was then he told me that he would support the Reform candidate.

10139. But did he tell you at that period he had had a messenger from Mr. Fishborne and Mr. Jones, that Edward Dowling had called on him and had insinuated to him that he should be liberated from all penalties if he would vote for Bruen and Kavanagh?—I do not know whether he entered into that statement with me at the time, but he told me that the prosecution was hanging over his head, that he was threatened with the prosecution, and that penalties would be inflicted if he voted against Mr. Bruen at that election. I asked him under all the circumstances what he thought he would do, and I think he told me he would support the liberal candidate.

10140. Did you offer him any inducement to do so?—No, sir, I do not think I canvassed seven persons altogether in Carlow.

10141. Was he an elector for the borough of Carlow?—Yes.

10142. Was not a single vote of the utmost importance at that crisis?—Yes.

10143. And you subsequently gave this person in aid of his conviction expenses 18 *l.*—I did.

10144. Having canvassed him to vote for the Reform candidate against Mr. Francis Bruen?—Yes, and I gave considerable sums to other people who were persecuted in consequence of their votes, with whom I never had any conversation till I found them in their distress.

10145. Would you have given this man 18 *l.* unless you were thoroughly convinced of the truth of what he told you?—Not at all.

10146. I suppose you are not very rich?—I have out of the church about 80 *l.* a year.

10147. Is that all you receive from the Roman Catholic church?—Yes.

10148. Are you a parish priest?—I was a parish priest, I am now administrator of a parish; I had 250 *l.* as parish priest, but my bishop wished me to labour in another district, and I had no hesitation in giving up the parish and becoming a curate in another.

10149. And did you give up the 250 *l.* a year to meet the wishes of your bishop?—Yes, I did, without any other motive in the world, except the discharge of my duty.

10150. What was your former parish?—A parish in the county of Kilkenny, R——

10151. I think you said in your former evidence that you had been parish priest for three years at Leighlin bridge?—Yes, and at the request of my bishop I gave it up.

10152. What was that worth?—About 250 *l.* a year.

10153. Had you to maintain two curates out of that?—I had to maintain one curate in Leighlin parish, and in the other parish I had to maintain two. I consider myself better off with 70 *l.* or 80 *l.* a year as curate, being free from the expenses of supporting other curates. As a curate I have much more laborious duty now to perform.

10154. In addition to your stipend of 80 *l.* a year, are you supported by your superior?—I am; I live in his house.

10155. Then you have no expense of house or board?—No, I have not even the expense of a servant or any person in the world, therefore I am perfectly independent and rich.

10156. You consider yourself rich?—Yes, just as rich as a clergyman ought to be.

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10157. Then you think 80 *l.* a year as curate, equivalent to 250 *l.* a year as parish priest?—Yes.

10158. And rather better?—Yes; but in changing I do not think I dwelt for one moment on the pecuniary consideration.

10159. Did you, feeling that this prosecution was hanging over Leach's head at the time you asked him for his vote in January, did you feel that the man run no risk by voting for the Reform candidate, that the prosecution was so rotten and so bad, that it would be impossible for Mr. Fishborne, the magistrate, who had been a party to the tampering with Leach to pursue him in the courts, and to levy a fine against him? Did you when you accepted his vote, did you suppose that no harm could arise to him owing to the tampering transaction which you have stated?—I thought he might have been fined 40 *s.* the usual penalty inflicted on such occasions. A magistrate of the town of Carlow told me that he had never known but one instance in which the penalty for such an offence exceeded 40 *s.*

10160. Was not the fact of sending to the other shop and getting the whiskey from that other shop, and bringing it to the person who demanded it, a very great extenuation of the offence?—I think it was no offence at all in the man, I think he was perfectly innocent of the charge brought against him.

10161. Was not that fact proved before the court of petty sessions by the other person who sold the whiskey, being brought forward by Mr. Leach?—It was proved.

10162. And notwithstanding that that man proved the fact of his having sent to another shop to obtain the whiskey to oblige his customer, nevertheless the magistrates inflicted on him the highest possible penalties, and subsequently abated them to 12 *l.* each?—I think that is precisely the state of the case.

Sabbati, 1° *die Augusti*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

The Rev. *James Maher*, called in; and further Examined.

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10163. IN reference to the subject to which you were yesterday examined, the conviction of Leach, for having sold whiskey without a license, have you heard at what time the informer lodged or swore any information against Leach?—I have. The excise officer came into the house at the time the informer was drinking the whiskey, and then got evidence of the fact, and it is my conviction that the matter was arranged by the excise officer and the informer, to bring Leach under their control.

10164. With a view to the election?—With a view to the election.

10165. Who was the excise officer?—Mr. Jones.

10166. Who was the informer?—His name is Goodlow, a man certainly of bad character.

10167. Is he a Catholic?—I do not think he is. During the borough election of Carlow, a deadly weapon, a sort of dagger, was arrested from Goodlow's hand in the midst of the crowd, and I saw it afterwards in the hands of the magistrate, who told me he had taken it from him; Goodlow is generally considered a very violent person.

10168. Then the excise officer, Jones, had immediate cognizance of the fact?—Immediate.

10169. His knowledge of the fact was almost concomitant with it?—Yes.

10170. You are understood to say that Goodlow, the informer, came into Leach's shop, and was there drinking his whiskey, when Jones, the excise officer, came in, and actually detected the breach of the excise laws simultaneously with Goodlow's drinking the whiskey, and your impression is, that it was a concerted plan between Goodlow and Jones?—Yes, and Mr. Jones searched the house on the occasion, and did not find a single drop of whiskey in the house, save and except the glass which was in Goodlow's hand, which glass another witness swore Leach's servant was sent out for, who received the money from Goodlow, and purchased it at a licensed house, and Goodlow afterwards drank it within at Leach's.

10171. Having such a case as this, of strong suspicion as to the conspiracy existing between the informer and the excise officer, and also such extenuating circumstances

cumstances as Leach having no whiskey in his house, but merely having sent for this small quantity from a neighbouring shop, were not these circumstances brought forward before the magistrates at the time it was necessary for Leach to vindicate himself from the charge brought against him?—No, they were not brought forward, except very incorrectly. The magistrates on the bench, by their manner of acting, intimidate these people, and prevent them from defending themselves; exclude their witnesses sometimes, and by all manner of unfair means prevent the people from making a defence, even when their case is of such a character as I have stated this to be.

10172. But this man Leach, having voted for the popular candidate, and you having fearlessly expressed your opinion on the hustings as regards so powerful a person as Colonel Bruen, how came it that none of the popular party for whom Leach voted, or you, who are a man of nerve and decision—how came it that Leach, in defending himself before the magistrates, was not accompanied and supported by some of the numerous friends of the people?—I took no part in the borough election at the hustings, and this case of Leach's regarded the borough election. I am not an elector of the borough, but I am of the county, and when I came forward I had matter quite sufficient against the candidates for the county to occupy the time of the court long enough; and I passed over cases fully as grievous as that now given in evidence without taking any notice of them, though I had an intimate knowledge of facts, as strong as any in the case to which I have alluded.

10173. But this conviction occurred some months after the election, when you would have had time to attend to assist Leach in his vindication before the magistrates?—I cannot say I had time, for I have many important duties to discharge as a clergyman, and I can give a very little portion of my time to these political concerns.

10174. But you will recollect that yesterday, in the course of your examination, so far from saying you took no part in the borough election, you yourself deposed that you had canvassed this man Leach previous to the borough election, and that he had promised to vote for you, telling you that this prosecution of the excise was hanging over his head, and you also stated that you had, notwithstanding his difficulties, requested him to vote for the popular candidate. How do you reconcile your evidence yesterday with what you state this morning, of your not having interfered in the borough election?—I have not stated now that I did not interfere; at the hustings I did not interfere. I said I was not an elector, and could not interfere at the hustings as an elector at the borough election.

10175. Having, therefore, by your canvass, entirely influenced this man Leach to vote for the popular candidates, and it being, in your opinion, a case of extreme hardship, and one in which there was a conspiracy planned against him, when his case came before the bench of magistrates at the petty sessions, surely it was a case of sufficient importance for your interference, or that of the popular party. Did you or did they accompany Leach before the bench of magistrates, and assist him in his defence?—I did not, nor was not in court on that day, and I do not know whether I was in town on that day or not. Other persons of the town attended; but the matter terminated as I have described, and would have terminated so if I had been present rendering assistance.

10176. Were there written details taken during the trial of what passed?—I cannot say.

10177. Was there a report in the newspaper of the case?—I cannot say as to that; I think it is likely the case was reported in the newspaper.

10178. As Jones, the exciseman, went into Leach's shop at the time the informer was drinking the glass of whiskey, Jones himself had evidence of the fact, and no information therefore was necessary to be sworn by the person you call the informer?—It was necessary to prove the case before the magistrates.

10179. You just now stated the information had been sworn before the election?—I cannot state exactly; I stated that Mr. Jones had information on the day the offence was committed; I mean by that, he saw the transaction.

10180. But you do not know whether any information was sworn by the informer, that is, that the first step was taken towards the prosecution in a formal manner?—I am not aware that informations had been sworn till the man came to trial.

10181. However, this appears clear, that shortly before the election, Jones, the exciseman, had acquaintance with the fact, upon which, afterwards, the prosecution was successfully carried on?—He had.

10182. Nay more; you state that Jones must, upon the occasion of the informer,

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Goodlow, drinking this glass of illicit whiskey in Leach's shop, have been at the outside of the door in attendance, in order to apprehend him in the commission of this act?—Yes, I believe it was arranged so between the parties, and on this account I believe it. When Goodlow came for the whiskey he appeared to be in a very great hurry, and when the glass came in he took it in his hand, and he did not appear to be in haste to drink it. He kept it a quarter of an hour or so in his hand, till it was detected by the excise officer in his hand, and Goodlow and Jones laughed at each other as recognizing each other, and as having succeeded in making out their case against Leach.

10183. Can you inform the Committee at what time the summons was served upon Leach?—I really cannot.

10184. The matter was not brought to trial for about three months after the commission of the offence?—Not till the following April after the election.

10185. What rank does Mr. Jones hold in the excise department?—I do not know; an inspector, or something of that sort. I really cannot say.

10186. Has he been long in that district?—I cannot even say that.

10187. Is he what is commonly called a "gauger" by the people?—I cannot say.

10188. Is Leach now residing in Carlow?—Yes.

10189. And can give evidence of all these facts?—Yes.

10190. He is a 10*l.* householder, is he?—He is.

10191. Has he, in former elections, voted for the popular candidate?—I do not think he ever had a vote previous to the last election. In a question put to me, it was observed that I influenced Mr. Leach to vote. I really did not influence him. I asked him what he intended to do, and he told me forthwith his intention of supporting the liberal candidate, and informed me at the same time that he apprehended he should be embarrassed in consequence of this prosecution. I had a very short conversation with him on the subject.

10192. The Committee is to understand, that although you are not a voter for the borough, nevertheless you did interfere in the borough election to the extent of canvassing voters for the liberal candidate?—I canvassed, I should think, about six persons at the borough election. Of the six, I think five voted for Mr. Bruen. They expressed to me their anxiety to support the Reform candidate, but stated that if they did so they would be driven from their places. They had got no leases of their houses under Mr. Fishburn, and, in consequence, would be driven from their places if they did not support Bruen, and the consequence was, they almost all went and voted on the opposite side.

10193. The messenger's name is Dowling?—Dowling.

10194. Dowling was the person who presented himself, whatever the truth might have been, as having been employed by Mr. Fishburn, and Mr. Jones, the exciseman, to convey to Leach an intimation that the prosecution should be dropped if he voted for Mr. Bruen?—Yes.

10195. Is this Dowling resident at present in Carlow?—He is.

10196. What is his rank in life?—He is engaged in trade, and has got some land.

10197. Is he a Roman Catholic or a Protestant?—He is a Roman Catholic.

10198. Is he a man in easy circumstances?—He is.

10199. What is his trade?—I think he is a leather-seller.

10200. He is a man of what you would call substance?—Indeed, I know very little as to his circumstances in life. I know him to be a most active agent of Colonel Bruen at elections, and of Mr. Francis Bruen.

10201. It may be alleged, both by Jones and Fishburn, that they never authorized Dowling to convey this intimation. Was Mr. Fishburn ever charged with having transmitted such a message to Leach?—Yes, I think it reached him, for Leach made an affidavit stating the fact that such a communication was made to him before one of the magistrates of the town, and I think it must have reached Mr. Fishburn.

10202. Leach made an affidavit that this message was conveyed to him?—Yes.

10203. At what time did he make that affidavit?—About the time that he was preparing his Memorial for the Board of Excise.

10204. You mentioned, yesterday, that the memorial did not refer at all to this communication?—I said I did not know; and I was asked whether they ought, in their memorial, to introduce that political matter or not, and I said, I thought not.

10205. So that, though the memorial did not refer to this message from Mr. Fishburn, yet an affidavit was sworn by Leach, who subsequently abandoned introducing the matter into the memorial?—That is the case.

10206. Can

10206. Can that affidavit be procured?—It can; I think there is a copy of it in town.

10207. Who was the magistrate before whom it was sworn?—I think it was before Mr. Thomas Houghton.

10208. He is a Quaker?—He is.

10209. As this affidavit was sworn before Houghton, I suppose the matter was the topic of common discourse and enerally known in Carlow?—I think it was pretty well known in Carlow.

10210. Have you any doubt that so serious a charge as that against Mr. Fishburn must have reached his ears?—I have not; I may say for certain it did reach him.

10211. Did the paper belonging to the liberal party in Carlow make that charge against Mr. Fishburn?—I am not aware that it did.

10212. You do not know whether it did or not?—I do not; this Carlow paper does not record very often the proceedings in the petty sessions.

10213. Was this affidavit sworn before the magistrate, Houghton, before the decision in the petty sessions, or afterwards?—After the trial of the man, as well as I recollect, with a view to the memorial.

10214. Mr. Houghton being a magistrate, and having cognizance of an affidavit being sworn by a man who had been convicted through the agency of a brother magistrate, which brother magistrate was accused of a conspiracy against the man whom he had illegally punished; do you not conceive that Mr. Houghton would consider it his duty to inform his brother magistrate, Mr. Fishburn, of the affidavit so sworn by Leach against him?—Yes, and on that account I have said it was very likely that information had reached Mr. Fishburn.

10215. Therefore the impression on your mind is, that Mr. Houghton has informed Mr. Fishburn of it?—Yes, that Mr. Fishburn is aware of the existence of such an affidavit stating these facts against him.

10216. And you are not aware that Mr. Fishburn has taken any steps to relieve his character from the imputation such an affidavit as that sworn by Leach is calculated to fix upon him?—I am not aware that he has.

10217. But you are not aware that in any of the Irish papers these facts have been publicly stated?—I am not aware of it.

10218. At the same time you are of opinion that they are in Carlow matters of public notoriety?—I am.

10219. Was Houghton himself upon the bench at the time Leach was convicted?—No, I think he left the bench; I think he told me so himself. I am speaking from recollection, and it is not very distinct. I recollect that Mr. Houghton expressed to me his opinion that the whole transaction was a most scandalous thing.

10220. At what time?—After the trial; and he stated to me that he never knew a similar offence to be visited in the town of Carlow with a heavier penalty than 40*s.*, except in one case.

10221. Did he give any reason for leaving the bench, where he would have had an opportunity of affording this man some sort of protection?—I heard him say he left the bench more than once, because he could not afford justice to the people who were there.

10222. How many magistrates attended?—I do not know, or whether Mr. Houghton was there on that day.

10223. Now Mr. Houghton is a magistrate professing liberal principles, is he not?—Yes.

10224. Supporting the liberal candidates?—He is.

10225. This man, Leach, voted for the liberal candidate, and was brought before the bench of magistrates for a circumstance trifling in itself, and in all the ramifications of which there was every appearance of a conspiracy: how can you account for a magistrate professing popular opinions leaving the bench when the case was under trial, and not staying in his place to protect the person likely to suffer for having voted according to his principles for the liberal candidate?—He must have quitted the bench on this ground, that he would be opposed by the rest of the magistrates who did not entertain the same liberal opinions, and that his exertions in favour of the man would be unavailing.

10226. Would not his exertions have been the means of eliciting, by examining the man, some part of this atrocious case, as stated by you?—He might have rendered services, I think.

10227. Is it the case in Carlow, that a magistrate, having the popular feeling on his

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his side, would quit the bench and desert a voter who had done his party good service, without attempting to give him protection in a case of this kind, which was intimately connected with the borough election?—I have heard liberal magistrates of the town of Carlow, and we have two of them, state their unwillingness to go to that bench, in consequence of perceiving their exertions in favour of persons they considered as unjustly persecuted perfectly unavailing.

10228. Is there a great majority of magistrates on the other side?—They are all on the other side, I believe, without a single exception.

10229. Did Mr. Houghton know at the time of the trial, and when he had an opportunity of attending as a magistrate, the circumstances which you have detailed respecting Fishburn, Jones and Leach?—I suppose he did not.

10230. Are they county magistrates or municipal magistrates?—I believe they are all county magistrates.

10231. You have in the town of Carlow two magistrates who are popular and liberal in their sentiments?—Yes.

10232. And they can, when the case demands it, attend in the petty sessions and transact public business?—They can.

10233. But on this occasion, when Leach for his vote was likely to become the victim of a conspiracy, Mr. Houghton quitted the bench?—I beg to say I have not said that Mr. Houghton was on the bench on that day; I do not know whether I myself was in town on that day, but I stated that I heard Mr. Houghton say that on other occasions he quitted the bench; and again, the case did not come out in the aggravated form in which it now appears.

10234. But in order to set all doubts at rest, the Committee can resort to Leach, Houghton, Fishburn and Jones?—Yes.

10235. Do you think it is likely this case would have come on without Mr. Houghton being apprized that it would come on?—I really cannot say.

10236. You do not think he, as a magistrate, would have known this important case would have come on?—I am sure he is often absent from the bench.

10237. Is it possible that the case of a man who had voted on his side of the question would come on without his being apprized of it?—I do not know whether he had any knowledge of it or not. I do not know whether he knew of any such case being in existence till after the trial; and I think the first time the matter was fully investigated was when the parties made up their minds to memorial the Excise Board, and when the memorial was being drawn up, the facts of the case came out then fully for the first time.

10238. Is it not usual, when a poor man living in a town is likely to become the victim of party feeling, that he should naturally apply to magistrates who hold the same sentiments with himself for their assistance or for their attendance, to see fair play when his case was to come forward before the petty sessions?—It is to be expected; and I often myself directed persons to apply to these liberal magistrates to beg their attendance on the day in which their cases came on, and I have known these magistrates stay away and not give their attendance.

10239. Has Mr. Houghton, since this transaction, informed you that he believes from the affidavits sworn before him, and from other circumstances, that the conduct of his brother magistrate, Mr. Fishburn, and Jones, the exciseman, is very scandalous?—He has. I consulted with Mr. Houghton as to what steps ought to be taken regarding the memorial, and it was on that occasion that he made the observation which I have already given expression to.

10240. And you do not believe at the time of the trial that Mr. Houghton was aware of the conspiracy?—I do not think he was aware of it. I have no reason to know, but I rather think he was not, till after the trial, acquainted with the conspiracy, till the memorial was about to be made up in favour of the persecuted man.

10241. But you knew of it before, because, when you had canvassed Leach previous to the election, he told you this prosecution was hanging over his head, and that he was likely to be a victim to the trap into which he had fallen?—I was aware of all that.

10242. Therefore for three or four months previous to the conviction, you had all these circumstances in your knowledge?—I had a short conversation with Leach upon the subject once, at the time I called upon him to ask him how he intended to vote.

10243. Who was the other gentleman who advanced the remaining 18*l.* to Leach, to provide him with the means of paying the excise penalty?—One of the shopkeepers

shopkeepers of the town of Carlow, whose name I cannot recollect, though I know him very well, and know his residence.

10244. What is he by trade?—A baker; George Farrel, a baker.

10245. Now can you detail other cases of persecution?—I can; I can mention another case, as illustrative of the system carried on against tenants for having voted contrary to the will of their landlords; a case of a tenant of Colonel Bruen's, Byrne, of Bally-hacket; his tenant having voted for the liberal candidates, received notice to pay his half-year's rent, amounting to 4*l.* and a few shillings, the day it became due. He replied, that he had some stock to sell, and as no fair or market within his reach would be held for a few days after the 29th of September, the pay day, he would in consequence be a few days late with the rent. He sold his stock on the 6th of October, seven days after the rent became due, and proceeded to Colonel Bruen's office to pay it; but was met at the door by the Colonel's driver or bailiff, and was served with a latitat, and compelled to pay his rent, and 2*l.* 12*s.* law costs, on a rent under 5*l.* I have heard of several cases of the same description exactly as occurring on the same estate. I could now return a list of the wholesale sweeping off from lands of the tenantry of the county.

10246. Do so?—I hold in my hand a paper in which the names of 463 persons are given as being turned off from the estates of Lord Beresford and Colonel Bruen, in the county of Carlow. I was about to say several of these persons, I believe, were 40*s.* freeholders, and when they were disfranchised, there was little value set upon them, and the gentlemen of the country wished to get rid of them. I have heard too that in that list there are some inaccuracies; that some of the persons there reported as driven from their lands by Colonel Bruen and Lord Beresford were sent away by middle-men; but I cannot say what proportion were driven by these persons.

10247. However reprehensible in our minds what is commonly called the clearing system may be, the object of this Committee is to investigate exclusively those cases where tenants have been ejected, and driven upon the world, in consequence of not complying with the wishes of their landlords; therefore confine your evidence to those cases where the removal or expulsion of tenants arose, not from an anxiety to clear the estates of superfluous population, but in order to the removal of obnoxious individuals in a political point of view?—I do not return that as a list of persons turned off in consequence of their votes at elections; but being 40*s.* freeholders, who were disfranchised, they were driven from the estates with as little ceremony as you would drive a flock of crows from your field.

10248. Can you mention instances of estates having been cleared in consequence of the tenants voting in a manner different from the landlord's wishes?—I have a list here of 167 persons who have been served with notices to quit Lord Beresford's estate, the agent of Lord Beresford assuring them at the time, that he would not suffer one of them to remain on his estate, or any other person over whom a priest exercised any influence at elections.

10249. At what time was this?—During the course of the present year.

10250. You now produce a list of persons removed from Lord Beresford's estate or served with notices to quit, and you add that the agent of Lord Beresford's estate declared that these notices were served with a view to stock the estate with persons who would comply with his Lordship's wishes?—Precisely so; 26 families, consisting of 167 persons.

10251. Do you conceive that such being the determination of any landlord in Ireland, to stock his estate either with Protestants or persons who will comply with his wishes, do you conceive that the system of voting by ballot would put a stop to such a system on the part of landlords?—I think it would be a great protection to the tenantry of Ireland who are electors.

10252. Do you think that if the landlords were to enter into an agreement to remove the Catholic population from their estates, and to stock them with Protestants, they would be able to carry that project into effect?—Not at all.

10253. Do you think the Protestant aristocracy have got the materials in the country to carry such a purpose into execution?—I think it quite impracticable, and it would give rise to great dissension; but it would be a great failure.

10254. What is the comparative proportion between Protestant and Catholic electors in the county of Carlow?—I cannot say.

10255. Assuming the total number of freeholders to be 1,200, and that the majority of Catholic voters is 120, would there be much difficulty in so arranging the letting

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letting of lands on the great estates, by stocking them with Protestants, as to overcome that majority, and to give a positive majority to the Protestant constituency in the county of Carlow?—The Protestant tenants in the county of Carlow are almost all registered voters, and there are a vast number of Catholics not yet registered. They have been opposed in their registry by the assessing barristers, and by all the gentlemen in the country, so that I think we could have, with very great ease, some 600 more Catholic electors in the county registered over the Protestants of the county.

10256. That is not quite an answer to the question?—You go on a basis which I cannot admit as the state of the case.

10257. Can you say whether, in your opinion, there would be any difficulty in overcoming the 120 majority?—I think in the county of Carlow there would be great difficulty, for several of the landowners are in favour of the liberal interest. Earl Fitzwilliam, Lord Duncannon, Mr. Howard, some of the Latouches, I believe; I cannot say whether they are liberal at present or not; they were lately so; Mr. Bagot, Mr. Vigors Tye, Mr. Pulland and others.

10258. Take my Lord Beresford's estate, my Lord Downes', Mr. Kavanagh's, Colonel Bruens', the Newtons', the Rochforts', Sir Thomas Butler's and Duckett's; take these large Protestant proprietors of land, and considering the number of voters which they have upon the actual register, and upon the assumption that has been made of 120 being the majority to be overcome, would there be any great difficulty in overcoming that majority?—I think there would; our party is strong in point of numbers; the people are with us; a portion of the landlords are with us, and I think justice is on our side, and public opinion will do a great deal for us.

10259. Do you not think if such a project was adopted by that portion of the Protestant aristocracy of the county, called Conservative, that upon the part of the people there would be a most formidable reaction, that the whole mass of the people would become organized, that that organization would extend beyond elections, that the public peace would be put to the most terrible hazard; nay more, that that organization among the people would be sustained among a portion of the gentry attached to the liberal interests, and of large possessions, though they have not yet availed themselves of their influence?—I conceive so.

10260. Lord Duncannon has not registered the tenants on his estate, has he?—I believe there are many not registered, some are.

10261. There have been several contested elections in the county of Carlow since the year 1831?—Several.

10262. The Protestant aristocracy have sustained defeats, and have had inducements to resort to any expedients for the purpose of recovering their ascendancy?—They have.

10263. To this project they have not as yet successfully resorted—the project of driving the entire Catholic population off their estates?—They have commenced the system—they have entered upon it.

10264. And do you think, if they persevere, the consequences will be baneful to the tranquillity of the country?—I think it will be productive of nothing else than misery, dissension, discord, heartburnings, and all sorts of crimes arising out of such oppression.

10265. Do you consider that the organization mentioned in the preceding questions does not exist at this present moment—that the organization by confederacies of people does not exist at the present moment?—For what purpose?

10266. For any purpose?—For the purpose of lowering rents, for not allowing the lowering of wages, and various other purposes as well regarding elections as for other general purposes of organization?—I am sure no such organization exists in the county for the lowering of rents or raising wages, or managing any such business as that.

10267. Carlow has been tranquil?—Exceedingly so, as peaceable a county as any in Ireland.

10268. You belong to a liberal club?—Yes.

10269. With two or three other priests?—I said another priest; I am not aware there is a third.

10270. Be good enough to mention all the cases of persecution in the county of Carlow of which you have knowledge and to which you can give distinct evidence, in addition to those you mentioned yesterday?—I have lost or mislaid a paper in which I had some memorandums; but I would as soon leave the case as it stands.

10271. But from your observation of the county of Carlow, and what has taken

place before, during and subsequent to elections, do you take upon yourself to say that a system of extensive persecution has been carried on by the landlords of the county of Carlow, adverse to what is called the popular interest?—I do; carried on by some of them violently, and some of them belonging to the Conservative interest have done very little indeed against their tenantry; and I entertain a strong hope that they, though not agreeing with us in principle, will take no part with the Conservative faction in persecuting their tenantry.

10272. Are you aware whether the Orange system has been established in that county?—I believe it has.

10273. You have stated that the landlords have endeavoured to exercise a control over their tenants and over the persons in their employment, with whom they may have influence, direct or indirect, of any sort. Have the popular party on the other side exercised a control over the voters?—They have, to a certain extent.

10274. To what means do they resort for the purpose?—They insult the people by hooting them when they appear in public a day or two or a week or so after the election. They attempted and succeeded in excluding some families from the houses of worship immediately after the election. That feeling of popular indignation died away, I dare say in the course of the next three weeks after the election, and I think there are no traces of the existence of such a feeling at present.

10275. Has exclusive dealing been resorted to by the people?—I believe not to any great extent.

10276. Has it been resorted to by the gentry?—I have heard traders in Carlow stating, that in consequence of their voting for the liberal party, 20 pass books were closed with some of them by the gentlemen of the county; they ceased to deal with them any longer, and transferred their dealing and custom elsewhere, and on the other side there was a degree of reaction.

10277. So that exclusive dealing has been carried on on both sides?—Yes.

10278. In this state of things, do you not think an elector in humble circumstances, dependent on his landlord on the one hand, dependent perhaps on public opinion for his domestic peace and tranquillity on the other, is placed at an election in a very calamitous condition?—I do; I think he is very unfortunately circumstanced.

10279. Do you not think it would be much better for the great body of the electors to be deprived of their franchise than that the present system should be allowed to continue?—I have often said it, and have heard other clergymen declare that the electors have reason to curse the day that a Reform Legislature invested them with the dangerous privilege of voting for or against candidates to represent Irish counties in Parliament. I could give instances of persons, farmers, one or two or three years ago, who are now, in consequence of their votes, reduced to the condition of day labourers, and some of them are beggars.

10280. You consider that the great majority of the people themselves would be happy to be deprived of this franchise?—No; but I say the Legislature that invested them with the privilege ought to take better care of them and grant them protection in the exercise of their privilege, and that is what they desire.

10281. If the landlords have, to the extent to which you have deposed, made their tenants the victims of their vengeance in consequence of their voting contrary to their wishes, and that many of these unfortunate men have been reduced to a state of destitution in consequence of so voting, does it not follow that a large proportion of the tenantry who are under the control of their landlords, must desire to be deprived of the vote which places them on the one hand under the control of the landlords, and on the other subjects them to the violence of the popular party?—They do not desire to be deprived of their votes; they desire to be protected in the exercise of the privilege with which they are invested, and they do not choose to give up a privilege, by the proper exercise of which they still expect to effect the carrying of measures beneficial to their country.

10282. Did you never hear a freeholder join in the declaration you said you have heard Roman Catholic priests make, that he cursed the day on which he had received the power of voting, from the hardships he endured?—No, I cannot say that.

10283. You have deposed to a great number of instances in which men have been actually ruined?—I have.

10284. You are asked whether these men who are the victims of the exercise of their franchise against the wishes of their landlords—who have by the exercise of the franchise ruined themselves and their families—whether they do not equally

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with the priests curse the day when the franchise was given to them?—Of course they do; there is no doubt in the world of it.

10285. Then, as you state that a system of very extensive persecution, amounting to a plan of getting rid of the Catholic tenantry and stocking their estates with Protestants, exists on the part of the Conservative landlords, do you not conceive that wherever a control can be exercised by the Conservative landlords, the Catholic freeholder would rather not be in possession of the right of voting?—I think he would rather be divested of his privilege, though he is not seeking to be divested of it; he is seeking only for protection in the exercise of it.

10286. Would he not value the elective franchise if he could exercise it independently?—They value it exceedingly in Ireland as the means of obtaining measures of general policy beneficial to the country. They have been long treated badly, and under misrule and mismanagement, and they hope by a proper use of the elective franchise to better the circumstances of their unhappy country.

10287. Suppose they were all deprived of their franchises, so as to throw the whole power of Government into the hands of their adversaries, would they remain contented with such a state of things?—No, I think it would cause great discord, and subject us to an agitation tenfold greater than any up to the present time.

10288. Can you conceive that some means ought to be devised for the protection of the persons invested with the elective franchise?—I conceive so.

10289. And you conceive it a wiser thing to protect the elector in the exercise of his franchise than to strip him of it?—Most assuredly I do.

10290. But one thing or other should be done for his safety?—Yes, for his safety.

10291. What do you conceive would be the best means for his protection?—I think the ballot would afford great protection; and I think with the protection of the ballot gentlemen in the Conservative interest would decline the contest.

10292. Do you not think they and their party would also be protected against popular intimidation?—I do. I believe all parties would be equally protected; and I believe that several who are now Conservatives, who vote as Conservatives, and even Protestants, would vote on the liberal side if they were protected from the persecution of the Protestant landlords.

10293. And on the other hand, do you not conceive that if a more wholesome system of government were adopted in Ireland, and tranquillity were restored, property would recover that influence which has been almost uniformly found to attach to it?—Decidedly so.

10294. Do you consider that if the mass of freeholders in a county could secretly, without any control on the part of those from whom they hold their lands, and if a liberal candidate was to be very profuse in his promises to the people that they should have religious ascendancy, that they should have their leases for any period of years without the interposition of their landlords, in fact, that they should have leases on the most favourable terms; do you not conceive that a popular candidate making these profuse promises to the great mass of the Catholic freeholders, would have a better chance by secret ballot than another person who would wish to keep up the ordinary system under which property has hitherto been held in the United Empire?—I think the Catholics in Ireland would pay no attention whatever to a gentleman offering us promises of religious ascendancy in Ireland. I know of no Catholic desirous of it, and I, as a Catholic priest, would contend to the death against it if it were sought to be established in favour of the creed I myself profess. Great wealth and ascendancy in politics attached to the church are the ruin of all religion and true Christian charity.

10295. Do you think a monarchy could exist if the democratic power of the State was to be left to the wishes of every individual by secret ballot without the influence of the landed proprietors of the soil?—I think the landed proprietor under the ballot would always have his influence. The people of Ireland would be conciliated by his virtues. Suppose the landed proprietor to be a gentleman to whom they might safely commit their greatest interests, the people judge of him from the manner in which he acts among them as a landlord and magistrate, and if he act honestly and fairly, I think his conduct would secure to him, if he had extensive possessions in the county, great support from the people in preference to any other.

10296. Are you not aware that, under very recent circumstances, candidates who have always supported the liberal interests, and during their political lives have been almost victims to Catholic emancipation, take the instance of the Knight of Kerry, have been actually rejected by the people when the priests of the county

or any agitators have espoused another popular candidate as being more deserving of popular favour?—I do believe that the people of Ireland have made some mistakes in the selection of candidates, and that they have rejected persons whom they should have supported in some instances. A large class of electors was created by the Reform Bill. They got possession of their liberties, and in some instances escaping from their thraldom, there was a bad use made of them. I think in a very little time these evils would pass away; people would become sober and use the privileges they were accustomed to use for their benefit and for the benefit of their country.

10297. Are you aware that in the county of Wexford a Roman Catholic gentleman of popular principles, supported by a large proportion of the Whig aristocracy of the country, as well as of the Conservative landed proprietors of the county, was at the last election rejected by the people, he himself being a landed proprietor residing in the county, and that strangers were preferred to him because he had given offence to the priests by stating that he did not wish to see the county of Wexford converted into a priest-ridden borough, or some such expression, which was supposed to give offence to the priests?—I do not know what claim the gentleman referred to had on the county of Wexford.

10298. Take the case of Mr. Lambert, a Roman Catholic and a liberal gentleman, who had always voted for Catholic claims and for popular privileges—he was rejected. Will you state under what circumstances you consider he lost the popular favour?—I am not acquainted with the politics of the county of Wexford, and I cannot know what motives influenced the popular party to reject that gentleman; but it is my opinion that there were mistakes made in the selection of candidates. I think it was a great evil to reject Sir Henry Parnell for the Queen's County, and I think it was an evil to reject Mr. Wyse from Waterford and Lord Killeen from Meath, but this was the first exercise of our privileges, and some great mistakes were made in the first moments of enthusiasm.

10299. But in the instance to which your attention has been drawn, are you not aware that this Roman Catholic member of popular principles, Mr. Lambert, had a quarrel with Mr. O'Connell, and that Mr. Lambert, not being supported by the priests and by popular favour, has not been returned to Parliament owing to those causes?—I cannot say it is owing to those causes. I really am not acquainted with the circumstances of the county sufficiently to state what motives induced the popular party to reject him.

10300. Are you not aware that the priests in that county are adverse to the claims which Mr. Lambert thought he had to popular favour for his past services, which were always of the most liberal description?—I am very little conversant with their politics; I may say I have no knowledge upon the subject of the politics of that county.

10301. You cannot state to this Committee that he has lost his election owing to the priests in the county of Wexford having taken a part against him, and owing to the recommendation given elsewhere that he should not be returned to Parliament because he was distasteful to a particular individual?—For all I know, if the priests of the county were removed to Nova Scotia, the electors might have rejected him.

10302. Do you not believe that Mr. Lambert's very strenuous support of the Coercion Bill, accompanied with very strong commentaries, did conduce to his rejection in the county of Wexford?—I cannot say. I was not aware that Mr. Lambert supported the Coercion Bill.

10303. You know as little about it as of the rejection of Sir John Hobhouse in Westminster?—About the same. If I were told that Mr. Lambert did give his support to the Coercion Bill, I should say that was one of the motives for his rejection.

10304. At the time the people of Clare elected so excellent a person as the Knight of Kerry, and who had done such service to the cause of Catholic emancipation, had he not at that time joined the Tories?—I think he had at that time.

10305. Have not those cases of persecution to which you have referred, of the tenantry by the landlords, in many instances produced that degree of exasperation on the part of the tenantry which might lead them as electors, in the height of their excitement, to do injustice to the merits of individual candidates?—Indeed it might.

10306. You have stated that in the county of Carlow the return of Members would not depend on any recommendation of Daniel O'Connell?—I do.

10307. Do you recollect any case in which the late Dr. Doyle made a point of recommending, in the county of Carlow, a candidate in opposition to the wishes of Daniel

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Daniel O'Connell?—No, I am not aware that he recommended it, because it happened to be in opposition to Daniel O'Connell; but he did recommend a person.

10308. In opposition to the wishes of Daniel O'Connell?—We did not consult him on the subject, and did not care what his wishes were. On the other hand, I am aware, in the Queen's County, that Dr. Doyle felt anxious for the return of Sir Henry Parnell, and that the people did reject him, and the Queen's County is within his diocese, and he lived on the border of the county.

10309. The popular party succeeded?—Yes; but Dr. Doyle took no more part in it than any of this Committee, save that he wrote a letter stating his opinion in favour of Mr. Vigors.

10310. And he is a Protestant?—Yes, and we rejected a Roman Catholic and selected a Protestant in preference; and I think there is in our county a gentleman or two, Protestants, who, if they became good landlords and good magistrates, could represent the county in spite of all the priests of the county, and all the bishops of Ireland in addition to them.

10311. Do you not think that if Colonel Bruen took it in his head to turn Radical, he would get in without difficulty?—I think he could represent the county without the slightest difficulty.

10312. If he had supported the ballot?—Independent of the ballot, if he supported liberal measures.

10313. Do you form that opinion from his personal popularity, or from any recantation of principles?—I do not think he has any personal popularity; but I say, if he became a good landlord and defended the persecuted, even though all the priests sought to return a Catholic, he, Colonel Bruen, would be returned without a contest. The priests would have no control in such a case.

10314. A Roman Catholic clergyman is placed in a peculiar spiritual relation with his penitent; and it has been supposed that if the ballot were introduced, the Roman Catholic priest would obtain a cognizance of the intentions of the voter before the election, or of his vote after the election, through the medium of that spiritual connexion with the elector; do you conceive that that would be the case?—I am quite confident it would not; such matters as those to which you refer are never, directly or indirectly, introduced into the confessional.

10315. Do you conceive it would be, upon the part of a Roman Catholic clergyman, criminal to ask an elector how he had voted at an election?—I look upon it that a priest, in doing so, would prostitute his sacred office. I would say, "woe to that priest who perverted his sacred functions to such purposes." I have been a priest; and if I were on my oath, I would say such a thing was never hinted at by me. If the priest did it, the people would reject him, and he should lose all influence with them. In that tribunal we are not concerned about the petty politics of this world. The sinner appears there to obtain from heaven a pardon for his offences against the God of heaven, and no other matter is introduced or thought of by priest or penitent.

10316. Though you have accurately defined the duty of a priest, do you not conceive cases might arise where a Roman Catholic clergyman might, as a strong partisan, deviate from his duty and pass those strict boundaries within which you would circumscribe the exercise of his functions?—I cannot say what a wicked man might be capable of. From the days of Judas to the present time there have been many wicked churchmen, who abuse their sacred functions or prostitute them to improper purposes; but if such a thing were attempted in the tribunal of confession in Ireland, I am convinced that that priest would lose all influence and be deserted by the people; they would not approach him.

10317. Do you conceive that at this moment, when the mode of election is open, the Roman Catholic clergy at the confessional ever refer to the vote given by an elector, or endeavour to sway his political conduct?—We have no more notion of referring to these matters than of asking the man what system of farming he has adopted, or what way he has for transacting his temporal concerns or his business. We no more refer to his political opinions than to those other temporal concerns.

10318. Do you recollect a person of the name of Mrs. Burgess?—I do, very well.

10319. She has confessed to you, it is understood?—Never, to my knowledge.

10320. Then any statement of your having solicited her, a Roman Catholic woman, to use her influence with her husband to obtain his vote for the popular candidates is not true?—Not true, in the confessional.

10321. Then, is it equally untrue that you solicited Mrs. Burgess, a Roman Catholic woman, to use her influence with her husband in order to make him vote for

for the popular candidates?—I can state in two words the whole that passed between Mrs. Burgess and me on that particular occasion.

10322. That was not at confession?—It had no connexion with the discharge of any religious duties. I called on her to know whether her husband was at home, having had a commission from the liberal club to engage his services for the liberal candidate at the coming election. I was informed by the lady that her husband was not at home, and that he was employed by Colonel Bruen, or the opposite party; and I never called at his house to inquire after him. She sat with me for a few moments, and we were conversing about the election, but beyond what I have stated (when I heard of his being employed on the opposite side) I made no canvass.

10323. Did not the husband write to your bishop on the subject?—Yes, he did; the husband wrote complaining of undue influence.

10324. What was the nature of the complaint?—Complaining that the woman had been tampered with in the tribunal of confession by the priest.

10325. Did the bishop discountenance that?—The bishop replied, that the clergyman,—for I was the person,—was not at home, and that he would see me on the subject immediately on my return. As soon as I returned, Mr. Burgess's letter was handed to me by the bishop. I detailed to him the circumstances, and he bid me write to Mr. Burgess. I did so, detailing the circumstances I now give in evidence, and I have seen Mr. Burgess since, and he told me he was perfectly satisfied he was mistaken, and that what he had attempted would not do—that is, the attempt at defaming me.

10326. Did not the bishop himself write a letter in reply?—He wrote a letter stating that I was absent.

10327. Did he write a letter entering into the particulars of the case himself?—He knew nothing of it. I believe he wrote a letter, stating to Mr. Burgess that I was from home, and that on my return he would lay the charge before me.

10328. Have you seen the Carlow Sentinel of July 18, 1835?—I have.

10329. Did you ever read the following paragraph: "Previous to the election for January, a respectable female of this town went to confession to a priest, and after the performance of the usual duties, while yet kneeling, what was the conduct of the priest? Did he open the inspired writings, and direct her attention to the truths of revelation? No; but he demanded that she would exercise her authority over her husband to induce him to vote for Mr. Vigors. The husband on being apprized of the fact, communicated the circumstance to the bishop; the bishop declared he had no authority over a priest in such cases. Yet the 'Cork Reporter' denies the confessional is prostituted to political purposes." That paragraph you conceive alludes to the case of Mrs. Burgess, to which your attention has just been drawn?—I do, I am certain of it.

10330. And that paragraph, if it refers to that case, you say is utterly unfounded?—Utterly false.

10331. Who is the editor or proprietor of the Carlow Sentinel?—Thomas Carroll.

10332. He now is in the Conservative interest?—He is.

10333. He was once a very strong writer on the opposite side?—He was, and denounced the landlords of the county of Carlow for persecution of their tenants, and continued to do so in the strongest language for years, and was a much more severe writer against them than the editor of the present liberal paper.

10334. And it would not be difficult to find articles in the strongest inflammatory language against landlords?—Against landlords and bishops, and pointing out magistrates as exceedingly corrupt in the exercise of their judicial functions, and the bishops as useless, in consequence of their exceeding wealth; and every other abuse existing in Church and State he denounced with a degree of energy very becoming a public journalist.

10335. But he now exhibits the usual zeal which converts manifest?—Yes; and I do believe that that same gentleman was the person who wrote the letter to the bishop, or concocted it in conjunction with Mr. Burgess; that he saw the bishop's answer, and that he saw my letter in reply, and knew the whole matter he states in the late paper to be a deliberate and wilful falsehood against me.

10336. You have been the subject occasionally of imputation?—I have.

10337. You are acquainted with Mr. Singleton, a police constable of the county of Carlow, who has been examined before this Committee?—I am.

10338. Did that functionary ever make a charge against you?—He did.

 10339. Was

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10339. Was he ordered by the Government to retract his charge in public, and did he retract it?—I appealed to the Government for an investigation into the charges preferred against me, which was granted, and Mr. Singleton fearing the result of that investigation, agreed to go into open court to withdraw the charges against me, and to make an apology to me.

10340. What was the charge?—On the 7th of November 1833, Mr. Singleton, chief constable and justice of the peace for the county of Carlow, brought against me a charge addressed to the bench, before a crowded audience, of a conspiracy against the laws, of tampering with a Crown witness, and of attempting to defame her, and having dwelt upon these observations with great emphasis, he at length concluded by expressing a hope that the gentlemen present with him on the bench and those of the Queen's County, would assist him with their purses to protect this woman against me. In that speech, made in open court, I was not mentioned by name; but from the several allusions to my clerical profession, and from the marked manner in which he directed his address towards me, then standing before him, it was understood by the crowd and the court that the charges were levelled against me. Feeling on the moment the injustice of Mr. Singleton's conduct towards me, and yet being inclined to hope he was acting rather from ignorance than from malice, I sought an interview with him before he quitted the court-house. I apprized him that the woman, on whose testimony he was making these charges, was a person of the very worst character—a drunkard. I need not say more. I told him that her sister was then in court, ready to inform him that she was a person not entitled to credit on her oath, and I begged of him to have an interview with the sister before he took further proceedings in the matter. He refused the interview, and sought to induce this wicked woman, as I have heard, to take an action against her sister for defamation of character, and after plotting for another week against me, he appeared on the 14th of November a second time in the court-house, and renewed the charges in very strong language against me, and denounced me by name in open court. I rose immediately to repel the charges, not wishing to afford Mr. Singleton any further time to concoct his plots against my liberty or character with this wicked woman. I repelled the charges satisfactorily; called upon Mr. Singleton to make reparation for the injury inflicted, by withdrawing the charges and apologizing. He seemed at first disposed to do so; but on consultation with his brother magistrates on the bench, he refused it ultimately, and obtaining then and there no reparation, I memorialized the Government. A commissioner was sent down by the Government to investigate the matter, and previous to the investigation Mr. Singleton sought an interview with me and my friends. We had that interview, and he then volunteered to make that apology, and to remove those charges which he on a former occasion preferred against me. He did so, and his apology is in these words.

10341. Is it printed in the newspapers?—Yes.

10342. Was it agreed that his apology should be made public?—It was agreed that he should make it in open court, and afterwards publish it in the newspaper:—"Mr. Singleton is ready to declare, and now does declare, that in using in court the language complained of by Mr. Maher, on the 7th of November last, he did not intend to apply that language to Mr. Maher, nor did he at all allude to him. And with respect to the language complained of by Mr. Maher in his memorial, as used by Mr. Singleton on the 14th of November last, in court, Mr. Singleton is now fully convinced that he was led to use that language by misinformation as to facts, and Mr. Singleton is also convinced, that Mr. Maher's conduct, as a loyal man, is perfectly unimpeached, and his conduct perfectly correct."

10343. If Mr. Singleton had furnished reports to the Government respecting the conduct of the priests of the county of Carlow at elections, or had given evidence, no matter where, respecting the conduct of the priests, would you be disposed to attach any very peculiar authority to the accounts given by that gentleman?—I would not. Previous to his second attack upon me, I stated to him facts which ought to convince any gentleman that I was wholly incapable of committing the offences with which he charged me. I was charged with a conspiracy against the laws, a sort of Whitefeetism which Mr. Singleton imagined had an existence in the town of Carlow, and with which he alleged I was connected. To remove this false impression, I told Mr. Singleton that I had been in my parish a most active person in putting down such a system. I told him that I had in my possession, and have now, certificates from magistrates, of having taken upwards of 20 stand of arms from these Whitefeet, and lodged them with the civil authorities. I told him that

that every magistrate in the district would depose, that it was through my exertions the wicked system of Whitefeetism was kept so well out of the neighbourhood in which I resided. I went as far as a clergyman ought to go in the preservation of the peace. I recollect in one instance, having heard of outrages being committed by Whitefeet, to have applied to a magistrate to take out the police to protect the people. The magistrate refused to go, and I asked him to give me an order to take out the police. He did so, and I placed myself at their head, and gave these disturbers of the peace chase during part of the day..

10344. This transaction with Mr. Singleton occurred in 1833?—Yes.

10345. You were in 1832 known to take a very prominent part in politics, were you not?—I was.

10346. And that part was, on one occasion, so strongly marked, that you cannot be surprised that Mr. Singleton or other gentlemen in the county should be prepossessed with the idea that you were a very violent partisan. For instance, did this circumstance occur, that you, at the election of 1832, in the presence of the high sheriff and Mr. Toons, the assessor, and the gentry of the county, stated in substance to this effect: "All of the Catholic religion will vote for Blakeney and Wallace, while we will take our stand here daily in our capacity as priests, and we will know the man who will vote against us; we will watch the recreant till he goes to the grave; yes, upon the Catholic slave we will set a mark and brand of infamy, who will vote against his God and his country." That is what it is alleged you said. "Mr. Toons, the assessor, rose and threatened to commit Father Maher for that language, who retired amidst great confusion, but the conflict was prevented by the interposition of the priests. Many gentlemen of the county can prove the above facts." That is the allegation of the substance of what you said in the presence of the high sheriff and the assessor, and other gentlemen, at the election at Carlow in 1832. Perhaps you will tell the Committee what did take place?—It is an exceedingly gross misrepresentation of what I really said. The charge contained in the paragraph just read I believe is the same as that made in the Petition to the House of Commons by the defeated candidates in the year 1832. I came to London in that year and on that occasion to defend my character from this imputation. The opposing candidates had an opportunity then afforded them of proving these charges, if founded in fact, and they declined adducing a single proof in support of them. I never made use of such language as that—"We, the Catholic priests, would take our stand there in our capacity of Catholic priests." I used no such language, nor any words to that effect.

10347. Then the next is, "We will mark who votes against us; we will watch the recreant till he goes to his grave?"—What I really said, as I recollect, is this, and this was the concluding sentence, I think, of a long speech. It was the only sentence that seemed to give any offence to the parties present. I stated that I myself—and I had no understanding with clergymen or with any body else to act with me—but I as a freeholder would take my stand in that place during the election, in order that I might know the men who voted for and against us, with a view of bringing public opinion to bear upon the election. I used the words afterwards, "I will mark the man." The expression appeared very strong, and caused a great excitement at the moment in court. I was told by my friends I had used language too strong; I forthwith said I withdrew the expression, and I was not permitted to finish the sentence. I withdrew it distinctly, and the phrase which I was supposed to have delivered there never appeared in print, and could not in the slightest degree have influenced any elector at that election; and in point of fact, I did not attend afterwards in the polling booths, neither did I spend, I suppose, a quarter of an hour a day in the court-house during that election. I retracted the expression on the moment, and I acted upon my resolution to the letter, by keeping away altogether, lest any advantage might be taken of it.

10348. It is mentioned that Mr. Toons, the assessor, did rise in consequence of your language, and threaten to commit you?—This is the first time in my life that I ever heard of it. There was bustle and confusion in the court, and if he used such a threat it was wholly without my knowledge; and as to the collision alluded to in a former question, I did not think there was any thing like a collision likely to arise between the two parties. A person had made his way up upon the ceiling of the court-house to look down upon the business, and something cracked, and the people apprehended great danger (the court-house being a very bad one), they thought that the house was about to fall, and it created great confusion at the moment. This was the occurrence of that moment, but it had no appearance of a collision between the

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the two parties. Moreover, I did not retire from the court-house; I sat there for a considerable time afterwards.

10349. You did not add these words, then, "that you would set a mark and brand of infamy upon the man who would vote against God and his country?"—I never used a word like it.

10350. Or, "that you would mark to the grave the man?"—I think that was the expression I used, "we will know till he goes to his grave the person," and there I was interrupted before I concluded my sentence, and then I forthwith distinctly, once, twice and three times withdrew the whole observation, as it seemed to give offence to the opposite party.

10351. This was at the hustings?—Yes.

10352. And you were an elector?—Yes.

10353. And as an elector had a right to speak?—As an elector, I had a right.

10354. The whole of this matter, as to which you have been now minutely interrogated, was set forth in a Petition addressed to the House of Commons by the defeated candidates, and no attempt was made to establish it?—Not a particle of evidence was advanced in support of it; and I came specially to London at my own expense to defend my character against any such imputation.

10355. Was there any thing you let fall on that occasion that ought to have led any reasonable man to connect you as an agent in Whitefootism?—Nothing whatever; I was known to be a most strenuous opposer of Whitefootism in the county at the time.

10356. And do you distinctly deny your knowledge of Mr. Toons, for any reason, threatening to commit you on that occasion?—I do; I for the first time in my life heard it in this room now.

10357. Mr. Toons himself is a strong politician?—Very strong.

10358. He belongs to the Conservative party?—Yes.

10359. He is a nephew of the Chief Baron, who is conspicuous as a Conservative?—Yes; if I had committed any offence there was abundance of evidence against me; the party against whom I acted would have felt great pleasure in committing me, if I had been guilty of an offence to justify it.

10360. You admit that you made rather a violent speech on that occasion?—I made a long speech, for two hours I believe, and I think there was not a single sentence which could be construed to be a violent sentence, except that concluding one, and that was uttered in a moment of excitement, when I did not measure my words or phrases.

10361. You have been in the habit of proposing or seconding at these elections popular candidates, and making long speeches to the freeholders at the hustings?—If I am asked to do such services, I am ready.

10362. Did you, in 1832, canvass a Mr. Butler and ask how he would vote—he is a person in Carlow?—I do not know an elector of the name in Carlow; there is a Mr. Butler, an elector in the borough.

10363. Mr. James Butler?—He is an elector of the borough, but I am not aware whether he be an elector or not for the county.

10364. You did not canvass him and ask him for his vote?—I think I did canvass him for the borough election, but I do not believe, indeed I am almost certain he is not a county elector.

10365. When he refused the vote you asked him to give, do you recollect making use of any threatening language?—No.

10366. In your speeches at these various elections, you sometimes do use pretty strong language, do you not; it is alleged that you compared Colonel Bruen in the last election to a tyrant like Nero; did such words ever pass your lips?—No; I recollect the sentence to which allusion is now made.

10367. What was the sentence?—I hold a newspaper containing a report of my speech; the sentence to which you refer is this, and it is word for word reported as I spoke it:—"No human being is wholly good or wholly base. Even in Nero or Henry the Eighth there was perhaps a something of virtue, but in the man to whom he (Mr. Maher) would willingly commit the guardianship of his liberties, he would expect a decided preponderance of virtue. Shall he (Mr. Maher) be told that Colonel Bruen is a fit person to assume the defence of our liberties? How many struggles has he made, how much wealth expended to impede the progress of that charter under which the people now derive so much of their personal liberty? When has Colonel Bruen ranged himself on the side of the people in their protracted struggle for an equality of rights, and yet forsooth, he

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he wishes to be constituted a Parliamentary advocate of those very rights which, despite his exertions, the people have obtained."

10368. Did you on that occasion witness Mr. Butler's house being broken into by the mob?—I believe there was a pane in his window broken.

10369. Did you witness other houses, Messrs. Faircloth and Cullins's houses broken into by the mob?—No.

10370. When you say you witnessed a pane being broken, were you endeavouring to repress the riot or assisting in it?—There was no riot at all; there was a crowd at the door, and one of them pressed against a pane, and it burst in; it did not strike me as any thing of the least consequence.

10371. Do you know any instances in which any serious damage was done to any individual in the county of Carlow, who voted against the popular party and against the wishes of any of the Roman Catholic clergy?—No, not any serious injury.

10372. Do you know of any injury being done to the property of any elector or to his person?—I heard of a man's horses being killed.

10373. That is Neill's case?—Yes.

10374. Are you aware whether the Government apprized Mr. Singleton that he should be dismissed if he did not make you an apology?—I had not any official communication upon the subject.

10375. Do you believe it?—I do believe it.

10376. Do you consider Singleton to be a strong partisan?—I do; he has been considered and generally reported a brave officer and an active magistrate, but guided in the discharge of his duty by strong political party feeling.

10377. Are you aware that he has served for 20 years in the police?—I have heard so.

10378. Are you aware also that he was appointed, having attracted Lord Anglesea's notice by his conduct, to the situation he holds as a reward for his merit?—Yes.

10379. Then he was appointed, you have heard, by Lord Anglesea's government?—I believe so.

10380. He was appointed by Lord Anglesea when he was Lord Lieutenant, the Duke of Wellington being at the head of the Government in this country?—I believe so.

10381. With regard to violences in the county of Carlow, after the election or during the election, informations were sworn by John Cummins, of Bagenalstown, who was an innkeeper, and who being sworn said, "that on the night of Friday the 6th instant, about the hour of 10 o'clock, a stable, his property, in which were five horses, was maliciously burned at Bagenalstown by some person or persons who set fire to the roof thereof, by which three of the horses in the said stable were burned in so severe a manner that they, as the deponent believes, cannot recover. A fourth horse is rendered nearly, if not entirely, useless, and from the threats and insults to which the informant has been subject from the mob since he voted for Messrs. Bruen and Kavanagh at the late election, he has no doubt that this barbarous outrage was committed in consequence of the vote which he then gave. The deponent also says, that the fifth horse is the property of a gentleman who stopped at his house during that night, and that should the animal not recover, he, the informant, will be held accountable for the damage?"—I heard of that.

10382. Have you any reason to doubt it?—I know the general belief in the neighbourhood as to that transaction is that the house was burnt through the negligence of Mr. John Cummins's own servant in attending on these horses, and I know it was in contemplation to traverse his presentment at the last assizes for the recovery of the amount of his losses, and I never knew before that Mr. Cummins was a supporter of the Conservative party; I thought he had no vote.

10383. But are you aware what the result of the presentment has been?—No, I am not.

10384. Are you aware that it was stated to the magistrates, on the examination of the premises, that they were maliciously set fire to by some incendiary?—I am not; I heard only the common report and common belief in the neighbourhood. I heard it from a person who seemed to know the matter, and who resided in the immediate neighbourhood.

10385. These horses of Mr. Cummins were employed in carrying voters to the hustings for Messrs. Bruen and Kavanagh, and it is asserted that they were destroyed in consequence of the employment of the horses and the vote the landlord gave

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gave at that election. An opinion has been given to Government, accompanied by the affidavits of Cummins, that on an inspection of the premises by proper persons it was believed they were burned by an incendiary. Do you believe the report in contradiction of that statement, that it was through the negligence of a servant rather than by an incendiary?—I have no evidence on either side, but I heard the report which I stated and which I assert was generally believed in the neighbourhood; but I am certainly of opinion that there are very few, if any, in the county at all capable of committing such an act for political purposes.

10386. Have you seen put into circulation in the county of Carlow an address purporting to be made by Father Kehoe? This is it, is it not?—[*A printed paper was handed to the Witness.*]—Yes.

10387. It purports to have been made on the 14th of June?—Yes.

10388. Did you hear by whom this alleged address was put into circulation through the country?—It first appeared in the Carlow Sentinel, a Conservative paper, without giving Mr. Kehoe's name; it then appeared a second time in the same Sentinel, giving his name; and afterwards I have seen it in the shape in which it now appears, and it has been, I am told, extensively circulated by Mr. Alexander, senior and junior, and that copy you now hold has been received by a gentleman from the hands of Mr. Alexander.

10389. This alleged address is couched in extremely gross, low, offensive, and what may be almost designated as execrable language?—Yes.

10390. Full of very depraved sentiments conveyed in very scurrilous phraseology?—Very much so; very unbecoming any christian clergyman.

10391. Do you believe that to be a complete fabrication?—I do, as to by far the greater part of it; the objectionable parts I think are wholly fabrications.

10392. Did you ever hear Mr. Kehoe say so?—I did.

10393. And complain bitterly of it?—I did; and I saw his letter in reply in the Carlow Sentinel upon the subject, which I hold in my hand.

10394. Was there an answer to the letter of Mr. Kehoe denying it?—No.

10395. Now you and other clergymen appear to have interfered a good deal in elections?—Yes.

10396. You are asked whether the interference of the Roman Catholic priesthood, generally speaking, arises from any spontaneous disposition on their part to intermeddle in politics, or whether it arises from the peculiar condition of the country, and from the pressure of the people upon the Roman Catholic priesthood?—I believe (I state my own sentiments) that the Catholic priesthood are most averse to mixing themselves up with politics. I feel myself most averse to entering on such business, though I have taken an active part at elections.

10397. And why have you, and to the best of your judgment, why have others interfered?—The people require of us to lend them our co-operation in the attainment of these measures of policy by which the condition of their country is to be bettered and improved; and I do believe if a clergyman were suspected of any leaning to Toryism or to support those gentlemen who were in favour of the abuses of the administration of the law of which the people complain, such Catholic clergymen would have very little influence with the Catholic population; and I have known the laity come to complain of the Catholic clergymen for not giving all that co-operation which the people thought they had a right to expect from them.

10398. From your position as a Catholic priest, even if you were inclined to be more moderate, such would be the feeling of your flock that you would feel yourself induced to take an active part in elections, and have you not taken an active part?—I have gone with the people directing them and restraining them, and generally acting as a peace preserver, suppressing all tendencies to excess on their parts. I can state distinctly the whole of my exertions as connected with or in reference to the last election. On the Sunday previous to the election, the election commencing on Monday, I went to the pulpit of the chapel and besought the people most earnestly to practise christian forbearance during the following week, to be peaceable, to be orderly, to be quiet, to insult no man, and to recollect at all times that whether an elector voted for or against us, he was a christian brother, and that we should always treat him as such, and that though he was against us now, he might at a future day be with us, and that the way to gain him was by the adoption of such means and not by insult or reproach.

10399. But you stated that the laity in many instances thought that the priests had been too supine; it therefore appears that those of your profession, who wish to be supine, are urged forwards by a power which impels them?—No, it really does not

not; it imposes no necessity upon them. There are some of them rather indolent, and of whom the people still complain.

10400. They complain not of their spiritual indolence, but of their political indolence, consequently it is inferred by those parties that the priest is the proper person to direct them in politics?—They wish his co-operation—they think from his rank, station and education he is able to render them efficient services, and they say we ought to be assisted by them.

10401. Then they consider you as their spiritual guide, and also as their political adviser?—They make up their own minds as to the course they will pursue. We both fully agree in our political creed, and they only ask my co-operation, and I give it most cheerfully, at the same time wishing that the country were so circumstanced, that without injury to the people or to the good measures we hope to obtain, I could retire altogether from the field of politics.

10402. Did you take the same active measures previous to the passing of the Catholic Bill?—I was not an elector at that time.

10403. But you were a priest?—I was. There are priests in the county of Carlow who have taken as little trouble about the election as any Member of this Committee.

10404. Is it your opinion that when the priest agrees in opinion with the people, he can give them an impulse; but if the people disagree with the priest, they pay no regard to him in political matters?—No regard.

10405. Do you not conceive that if a better system were introduced into Ireland; if the Government were carried on on different principles, and the Legislature had other objects than those which have hitherto been entertained, the Roman Catholic clergy would become conciliated; that they would become more or less associated in feeling with the state, and that their political interference would cease except for the protection of public repose?—I think so, and we most anxiously wish for the arrival of that time when we are to be placed under a paternal Government; when we shall be properly governed, so that we shall not feel ourselves called on to take any part whatever in political matters.

10406. Did not Dr. Doyle, and a gentleman who is now a Member of the House of Commons, persons of great authority as regards the state of Ireland, give in their evidence, in 1825, an opinion, and a very strong opinion, that if Catholic emancipation were then carried, the Catholic population of Ireland, as well as the Roman Catholic priesthood, would be comparatively quiet, and take no part in political combinations?—They have, I believe, expressed such opinions, and I think that if the benefits which these gentlemen had a right to expect had followed from that measure, and if by it the Catholic population were placed on a perfect footing of equality in all things with their fellow-subjects, the priests would, before this time, have been wholly out of the field of politics.

10407. What is that equality to which you allude?—We have, in fact, against us a great portion of the magistrates, and in their tribunals we do not meet with justice and fair play. As tenants, there is a decided preference given to people not professing our creed. In the police, in the military, and in the various departments of the State, we find we are not treated on terms of equality with Protestants.

10408. Have you any documents to which you can refer in connexion with the interference of Roman Catholic clergy in elections?—I have several documents, which, with the leave of the Committee, I will now put in, relative to Catholic clergymen who have been charged with undue interference with electors.

[*The Witness produced the following Documents, which were put in and read, as follows:*]

No. 1.

County of Carlow, to wit. } The Rev. Andrew Phelan, of Bagnalstown, and curate in the parish of Dunleckney, came before, me, one of His Majesty's justices of the peace for said county, and voluntarily maketh oath on the Holy Evangelist, and saith, that the parish of Dunleckney (according to the extent of the parish priest's jurisdiction) contains about one-eighth of the registered freeholders of the county, and that deponent believes, after having made very minute inquiry into the matter, that it contains the majority of Colonel Bruen's freeholders, and that more than the half of Colonel Bruen's Catholic freeholders reside in it. Deponent sweareth that he has taken a much more active part in the late contested elections for the county than any other Catholic clergyman resident in that parish for the last five or six years. Deponent further swears that, to the best of his belief and recollection, he has not asked a tenant of Colonel Bruen to vote against him at either of the

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the two last elections for the county, nor has he even asked any of them to remain at home so as not to vote at all. Deponent further sweareth that he entertains not the slightest doubt but that all Colonel Bruen's Catholic freeholders resident in the parish above mentioned voted for him and Mr. Kavanagh at the January election, with the exception of one old man, who did not vote for any candidate at that election, and all his Catholic freeholders resident in said parish voted for him and Mr. Kavanagh at the election in June last, with the exception of two, who voted for the Reform candidates, and three who did not vote at all. Deponent further sweareth, that he did not ask either of the two who voted against him to do so, nor did he ask any of the three who remained at home without voting to do so. Deponent further sweareth that, to the best of his belief and knowledge, no other Catholic clergyman resident in the parish either asked these two electors to vote as they did, or any of the three who did not vote to act so. Deponent further sweareth that one or two days before the last election, one of Colonel Bruen's Catholic voters came to speak to him on the subject of the then approaching election, and asked deponent what he, the elector, should do, or how he was to act. Deponent swears that he asked the elector, did he think that he, the elector, could vote for Colonel Bruen conscientiously; to which the voter replied, that he was sure he could not; that deponent then asked the elector, was he able to pay his rent and meet the demands of his landlord; to which the freeholder replied, that he was not by any means able to do so. Deponent then said, I do not know what advice to give you. If I thought you would vote as I would wish, I would be afraid to advise you to do so, lest you bring his anger on you, and I could not bid you vote for him, as you could not do so conscientiously, without advising you to do what would be morally bad. I cannot therefore give you any advice. Deponent further sweareth that he charged the elector not to tell any one that he was speaking to him, deponent. And deponent further sweareth that he directed the elector to go backward through the yard and garden that he might not be seen going out of his, deponent's house; and that said freeholder afterwards voted for Colonel Bruen and Mr. Kavanagh, as deponent verily believeth.

(signed) *Andrew Phelan.*

Sworn before me, at Carlow, this 24th of July 1835,

Thomas Houghton, J. P.

No. 2.

County of Carlow, to wit. } The Rev. Andrew Phelan, of Bagnalstown, and curate in the parish of Dunleckney, came before me, one of his Majesty's justices of the peace for said county, and voluntarily maketh oath on the Holy Evangelist, and saith, that there are three chapels and no more in this parish (understanding it according to the extent of the parish priest's jurisdiction), viz. Bagnalstown, Ballinkillen and Newtown; and that at one of these chapels, viz. Bagnalstown, no disturbance whatever occurred on account of the elections, nor was there any hindrance or obstruction offered to any person wishing to attend public service, no matter what the political opinions of the person may have been, or how such person may have voted. Deponent further sweareth, that as he was proceeding to the chapel of Ballinkillen, on the Sunday morning next after the election in January last, which election closed at five o'clock on the Saturday evening before, deponent heard much noise and shouting, and that he had no idea whatever of the cause of it when he first heard it; that when he came to the chapel he found a crowd of people about the gate, and he was informed that some freeholders who voted for Colonel Bruen and Mr. Kavanagh were prevented from entering the gate, as were also some of their families; and that some members of such freeholders had been removed from the chapel after they had entered it. That after deponent had ascended the altar to prepare it for divine service, he heard considerable noise and confusion in the chapel, principally occasioned, as deponent believeth, by an attempt which some of the congregation were making to remove from the chapel some of the families of said freeholders, who were still in the chapel. Deponent sweareth that he immediately, on hearing the noise and seeing the confusion, turned about on the altar towards the congregation and ordered the people to be quiet, reminded them that the chapel was the house of God, the place for prayer and sacrifice, told them that he would not proceed to celebrate mass if peace and order were not observed; he requested them to kneel down, and that peace and order were soon restored. Deponent swears that this was the substance of what he said, and the very words he made use of, to the best of his recollection. Deponent further sweareth that he had no knowledge whatever, directly or indirectly, of the proceedings alluded to until he went near the chapel, and until they were in a great part over; and that he could not, without the greatest and the most evident injustice, be blamed for having in any manner contributed to originate what he was so perfectly ignorant of, or of having encouraged what his language so directly condemned, and so effectually suppressed. Deponent further sweareth, that he firmly believes that the conduct of the people on the occasion now alluded to, and on other similar occasions, proceeded from the strong and indignant feelings they entertained towards those Catholic electors who had voted against the popular party; joined to what they considered a violent Orange party, decidedly opposed to popular rights, and strongly bent upon oppressing the Catholic population in the county by every means in their power.

Deponent further swears, that it being known to some of the congregation that a child belonging to one of the Catholic freeholders who had voted for Colonel Bruen and Mr. Kavanagh was likely to be baptized by deponent on the Sunday before mentioned (that is, the Sunday immediately after the election), a number of persons waited on deponent after

mass

mass to request that deponent would not baptize the child at the freeholder's house (which is generally considered a mark of respect or attention to the parents and family of the child), but that deponent would insist upon the child's being brought to the chapel; and deponent sweareth that they intimated to him, that in case he went to the house that they would go with him to put him by the house. Deponent further sweareth, that not wishing to come into unpleasant collision with popular feeling or the party who waited upon him, and not liking to be too much dictated to by such persons in the exercise of his ministry, he returned home by a different road, and sent word to the freeholder that his child would be baptized at the house the day after, which was accordingly done.

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(signed) *Andrew Phelan.*

Sworn before me, at Carlow, this 24th July 1835,
Thomas Houghton, J. P.

No. 3.

Queen's County, to wit. } Patrick Parkinson, clerk, came before me, one of His Majesty's Justices of the Peace for said county, and maketh oath on the Holy Evangelist, that the Rev. Michael Kehoe, P. P. of Abbeylinx, gave directions to him previous to the last election to admonish the congregation at Balleroon to refrain from going to Maryborough during the election, except such persons as had votes, which direction deponent complied with at each mass.

(signed) *Patrick Parkinson.*

Sworn before me, this 13th day of July 1835,
J. R. Price.

No. 4.

County of Kilkenny, to wit. } Rev. John Murphy, Catholic curate of Ballinakall, in
By a Magistrate for the said County. } the Queen's County, came before me, and being duly sworn upon the Holy Evangelists, deposeth and saith: That on a Sunday in January last, shortly after the late election for the Queen's County, being about to officiate in the town chapel, he observed some persons outside the chapel, who appeared to him to be strangers, and not of this parish; inquired who they were, and being told that they were persons who came with intent of turning out of the chapel a man named James Muldowrey, or any members of his family who might come to the chapel that day, in consequence of said Muldowrey voting for one of the Tory members, that he, deponent, went immediately and addressed those persons, representing to them, in strong language, the impropriety of their attempting to do so, and prohibited under his marked displeasure, representing to them that such their doing so would be both scandalous and unlawful, and would tend to no good purpose, and exacted a promise from them that they would not attempt doing so; that feeling satisfied with such assurance on their parts, he proceeded to the chapel in order to celebrate mass as usual; being some short time in the vestry, he was alarmed by an unusual noise in the chapel; that on coming out he observed great bustle amongst the people in the chapel, and thinking the cause to be that these strangers before mentioned, or some others of the congregation, were turning out said Muldowrey or any of his family, he addressed the people from the altar, praying them to desist, and that there might be no disturbance in the chapel, and that if order was not immediately restored he would feel disposed not to celebrate mass; that he then went amongst the people for the purpose of restoring order among them, and after trying to do so for a considerable time found his efforts unavailing; that he then declared he would withdraw from the chapel, and would not give mass; that fearing an affray would be like to take place in the chapel, he accordingly withdrew and proceeded to the county chapel (a distance of about three miles), where he celebrated mass.

And further saith not.

(signed) *John Murphy*, C. C.

Sworn before me, at Castlecomer,
Walter Blackney, J. P.

No. 5.

Queen's County, to wit. } Michael Kehoe, clerk, came before me this day, and maketh oath on the Holy Evangelists, that having read in a book called "A Report of the correspondence of the Lords-Lieutenants of counties with the late Government, relative to the late elections in Ireland, as ordered by the House of Commons," that he there saw a paper purporting to be an affidavit sworn by some person (whose name is not given) before Lord Devise, and signed by him as the magistrate before whom it was sworn, in which it is mentioned, "That on the 4th of January last this deponent was told by a girl named , residing at Abbeyleix, that the parish priest, Mr. Kehoe, said that day in the chapel, for young and old to go to the election and rip before them, for the streets would be covered with blood." That all and every part of these expressions are false; that so far from desiring the people to attend at Maryborough during the election, he strictly forbid any person to go there except those who had votes; that he desired them not to cheer or hoot any person, nor assemble in Abbeyleix, but to attend to their usual avocations, to let the week pass over as if no election was going on in Maryborough: he further saith, that previous to the election he gave directions to his curate, Rev. Patrick Parkinson, to admonish the congregation in Ballyroan, after the celebration of mass, not to go to Maryborough during the election, except those who had votes; which directions deponent has been

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been told were complied with; all of which deponent would have willingly told Lord Devise if he had given him an intimation that such a charge was made against him.

(signed) *Michael Kehoe*, C. P. Abbeyleix.

Sworn before me, this 18th day of July 1835, at Abbeyleix,

R^d ———, J. P. Queen's County.

No. 6.

County Carlow, } Jeremiah Kehoe came before me, one of His Majesty's Justices of the Peace
to wit. } for said county, and maketh oath on the Holy Evangelists, that as he was proceeding to Newtown chapel for the purpose of saying mass, he saw two females running towards him, to seek protection from a body of people who followed and hooted them; he immediately protected them, and requested the body of the people to withdraw; he afterwards went to the chapel, when he found the people considerably excited; he reprobated their conduct, and said he would not celebrate mass; he afterwards proceeded with mass, and having come to that part of the ceremonies where instructions are generally given, he explained to the people the doctrine of Christian charity and forgiveness. The aforesaid Jeremiah Kehoe further sweareth, that he always condemned the conduct of those people who were anxious to exclude their fellow Christians from the precepts of Divine worship.

(signed) *Jeremiah Kehoe.*

Sworn before me, this 21st day of July,

Thomas Houghton, J. P.

No. 7.

I certify that on some Sunday subsequent to the last January elections, I attended in the chapel of Rahama, and I stopped for a short time before mass in the vestry, where I was informed that an attempt was being made to remove a freeholder from the chapel; on hearing which, I went out to the altar, and observing some disorder in the body of the chapel, I remarked, in strong language, on the impropriety of such conduct; stating, that as far as my influence went, I would not suffer any person to be insulted in, or excluded from, the house of worship. Order was immediately restored.

Richard Buggy, R. C. C.

These affidavits have reference to by far the greater part of the county of Carlow and Queen's County, where it has been alleged that undue influence was used by priests, and with reference to myself, one of the most active of the Catholic clergymen at elections, I may be allowed to state that I did not to my recollection personally canvass a single individual at the last election. There were Catholics in the town of Carlow where I live, whose minds I could perhaps influence by a canvass, and during the election, or previous to it, I never went to any of them to ask what part they intended to take, and I took no further concern at the election, though considered a most active partisan, than that of seeking to preserve the peace.

10409. Then it would appear from some of these statements you have now put in, that it is the practice of the Catholic people at chapel to molest those who come to the chapel, and who have voted contrary to their wishes?—I stated that a feeling of that description existed for one or two Sundays after the election in January.

10410. So that the sanctity of the chapel, and the sacredness of the occasion does not prevent the people from expressing their indignation at those who take a different line from them?—The popular feeling was very strong after the election, and I was a witness to it in our own chapel. I came to the assistance of a person who was insulted by the people, and brought him into the chapel, and took care that nobody should molest him, and on the next Sunday there was no more appearance of angry feeling on the part of the congregation with which I am connected, than there is in this room at the present moment.

10411. The affidavits you have read of priests who depose to their general non-interference at elections, declare generally that they did not interfere; do you not consider that when specific facts are alleged against any priest, such as are alleged against Father Kehoe, it would be desirable to have the accusations made against him, and the violent and inflammatory language imputed to him equally denied by affidavit?—I have brought his letter in which he begs the public to suspend their opinion, and states, that he is determined to consult with a lawyer to see if the matter is libellous, and he expresses his determination to take proceedings against the party who has so libelled him, and it is my opinion that he intends to have recourse to that remedy.

10412. In the answers which you have given relating to matters of fact, have you given them as strictly conformable to truth as you would have done if you had been giving your evidence under the sanction of an oath?—I have.

Lunæ, 3° die Augusti, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Walter Andrewes*, called in; and Examined.

10413. WHAT is your profession?—I am a writer or solicitor.

10414. Where do you reside?—In Maybole.

10415. Have you taken a part in the elections for the county of Ayr?—Yes, ever since the passing of the Reform Bill, I have.

10416. Can you state any circumstances relating to any system of intimidation which is carried on by persons over their dependents, with reference to the election in Ayrshire, either in 1832 or at the recent election in 1835?—Of my own knowledge I do not know of any; but I have heard of some instances; I mean this in reference to the last election.

10417. In reference to the last election, you have stated that the instances which you know are not on your own knowledge; will you inform the Committee whether, although not within your own knowledge, those instances rest on testimony which you consider worthy of belief?—I should suppose so, for the information came from the persons themselves.

10418. Were they persons with whom you have had that species of previous intercourse and knowledge, that you had a reliance on what they stated?—They were men of excellent character in their station of life; and I have known them nearly 20 years, and I have no reason to doubt their statements.

10419. In fact, you believed them?—Yes.

10420. Will you proceed to state to the Committee any of these instances?—The first instance I will mention was the case of a Mr. Mitchell, in the parish of Dalrymple; I think he is tenant of the lands called Dusty-hall, belonging to the Marquis of Ailsa; I think he was an elector in 1832, and voted on the liberal side; his intention was to have voted on the liberal side on the last election; it did occur, however, that he did not vote at all. I met him in Ayr the 17th of last month, by the merest chance, and he then informed me, that the reason why he did not vote was, that the Marquis's factor had wished him to vote for Sir John Cathcart, and said that he would watch him if he did not; and he told me that that very day, in consequence of not coming forwards to vote, they had sent out a party to sequestrate his goods for rent. This he told me in the office of the messenger who had been sent to sequestrate him. I afterwards, on the same day, met him in the street, and he mentioned that he had not been able to get the matter settled with the factor; and that, in consequence of not voting, he would lose upwards of 100*l.* of amelioration which had been promised to him, but which were now refused to be given him. He further stated that he was in the custom of supplying oats to the horses of Sir James Cunningham, who lives at Skelden; and that he had got notice through the gardener, that no more oats were to be taken from him in consequence of his conduct at the election. He also wished he had not been qualified to vote; and said he would afterwards vote as the landlord desired.

10421. Was he turned out of the farm?—No; in Scotland he could not be turned out of the farm. There is another instance of a farmer in the parish of Kirkmichael, of the name of Hunter; in 1832 Hunter voted for the liberal candidate; at the last election he did not; he voted for Sir John Cathcart. I happened to see him in Kirkmichael; he spoke to me, and he said, he and the other farmers in the parish would rather leave the farms than suffer the same usage they had done on this occasion. I did not inquire what the usage was. These are the only two personal instances I can speak to that I now remember. I have heard of a great many others, which do not come under my own knowledge so immediately as having heard of them from the parties themselves.

10422. Whose tenant is Hunter?—Mr. Ritchie, of Cloncairn.

10423. He did not state from whom he had received that usage?—He did not.

10424. He did not state from which party it was?—No.

10425. You have stated that those cases you heard from the parties themselves, have you heard of any other cases from persons whose relation of the circumstances you have reason to believe was true?—Yes, I have.

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10426. Mention those instances?—There was a case in the parish of Ballantrae, a distance of about 30 miles from me, of William M'Cracken, a tenant in Auchancrosh; the lands belong to the Lord Orkney. I understand in 1832 he voted for Mr. Oswald; I know the man most intimately, and that he is liberal, both in religious opinion and politics; he is a Dissenter in our country; and at the last election he voted for Sir John Cathcart. I was told at Cormonall, the reason why he did so vote at the last election was because he held his lands from year to year without a lease; and that Lord Orkney, or some person for him, had intimated to him, unless he did so vote, he would be turned out.

10427. When you say " or some person from him," do you mean, by a person authorized, either directly or by their station, as his known agents?—I understood so. Some land steward or factor, or some person of that kind belonging to the estate.

10428. You do not know who?—No.

10429. From whom did you receive this information?—I got it from a Mr. M'Crea, formerly a farmer in Dalreoch, an intimate acquaintance of Mr. M'Cracken; I know he is an intimate acquaintance.

10430. Did he state to you any particular expression that was used?—He did not. He stated that he had heard that a letter had been sent to that effect; and I heard the same report generally in that part of the country. There is one other case of a man of the name of Cooper, who lives in Fallard, in the parish of Kirkmichael. I called upon him during the canvass of the last election; I never asked a pledge from any man, but he said he would support the liberal candidate, assuredly, as he had done Mr. Oswald; instead of that he came and voted for Sir John Cathcart; and it was said (but how truly I cannot answer for) in the country, that it was in consequence of a strenuous application on the part of the Fergussons, of Kilkenan, who are the landlords of his possession.

10431. In what manner did you hear of that case of which you are now speaking?—From persons who I understood had spoken to him themselves.

10432. What did Cooper state?—Cooper stated he did not like to offend the landlord.

10433. To whom did he state that?—I cannot say; I think I got this information from a Mr. M'Needer, in Cross-hill.

10434. What was his statement of the reason that he had voted in the manner he had done?—That he did not like to offend the landlord. There is a case of Henry Hamay, in Dobbington; he also voted in 1832 for Mr. Oswald, but would not vote at the last election at all, in consequence, it is said, of a letter which he received from the landlord, wishing him to vote; but not being of his landlord's opinions, he declined to vote altogether. I never spoke to the man myself, the Committee will observe, on the subject. I got the information from a Mr. Stilly, who is an acquaintance of Hamay's, and a magistrate of Maybole. There is another case, that of a Thomas Hood, of Landloughly.

10435. When were those memorandums prepared you are reading from?—They were prepared before I came away.

10436. Lately?—Last week.

10437. When had you the conversation with the persons, the substance of whose conversations they purport to be?—I cannot say the day, but it was since the election.

10438. Was it soon after the election?—Immediately.

10439. Was it before you received the summons for attending this Committee?—Yes.

10440. That memorandum you have made since you received a summons to attend the Committee?—Yes.

10441. But the conversation which you had with these different persons was before you received the summons?—All previously; they were matters that had come to my knowledge, and when I did receive the summons I noted them down.

10442. For some days after the result of the election was known, the mode in which certain persons had voted was the common topic of conversation?—Yes, certainly.

10443. And motives were assigned for every man's vote who had voted on either side?—Yes, and doubtless sometimes true and sometimes false.

10444. Were there many persons the motives of whose votes were canvassed in conversation, and to whom motives were attributed, which you would not state here with the same degree of belief which you state as to those that you are now detailing

detailing to the Committee?—There are some cases of that kind, I can instance two or three; I can scarcely believe they would be influenced by such trifles as were alleged against them—a man of capital and independence to get a new lease of his farm—I can hardly suppose that to be the motive, although what is a motive to one man would not be so to another, and you can scarcely ever get at the true motive; with regard to Hood, he voted on the liberal side in 1832, and I saw him myself before the last election; he said he did not think in all the circumstances that he would vote at all; he did however vote at the last election for Sir John Cathcart, and a nephew of his told me, a Mr. Telford, in Glenachy, that his uncle, Mr. Hood, had done something about the land, some overcropping or another; there are certain conditions in leases in general, and if they are exceeded a penalty attaches; however, it was something about the land whereby he was liable to a penalty; he told me the agent who canvassed him mentioned to him, unless he did vote for Sir John Cathcart, that penalty was likely to be exacted.

10445. Have you any other memorandum relating to individual instances which you wish to state?—I do not think I have.

10446. You were a good deal engaged in canvassing in the general proceedings of the election in 1835?—I was, for the district of Carrick.

10447. Can you inform the Committee whether, in the votes given by the tenantry on the various estates, you could see any remarkable inclination to follow the political sentiments of their landlords?—I can only speak for one polling district, because the district that I had charge of is divided into three polling places; I attended one of those polling places; I attended that of Girvan; I can only therefore speak as to it, and there I do not think the tenants in general were fond of following their landlords.

10448. But did they in fact do so?—In many instances they did; in Kirkoswald they did not do so generally; there is at least 12 tenants of the Marquis of Ailsa, whose names I could give, who voted in 1832 for Mr. Oswald, and who did not this year vote at all.

10449. Was that upon the same estate or under the same landlord as any one of the tenants whom you have spoken to in your examination?—It was under the Marquis of Ailsa; the same landlord, if the Committee allude to Mitchell.

10450. Is Mitchell one of those?—He is in another parish; he is under the same landlord.

10451. Do you know any instance of any remarkable change in the course pursued by the tenants coincident with any change of the propriety of the land?—Very few changes have taken place in Ayrshire with the exception of the purchases made by Lord Orkney, and whose tenant I alluded to—I mean M'Cracken; I do not remember any other change, nor from what I heard can I attribute the change of M'Cracken to any fondness to follow the landlord; if what I heard was true, I cannot attribute it to that.

10452. Is there any prevailing feeling among the tenantry with whom you are acquainted, that they are impeded in the free exercise of their franchise by the interference of their landlords, or the factors of their landlords?—That is decidedly well known to be their opinion, and I have heard them state that they would associate among themselves for their own protection from interference of all kind from either party.

10453. Then they do not confine their dislike of interference to the interference of one party or of another?—Certainly not.

10454. They object generally to be interfered with, do they not?—They object generally to interference.

10455. Have you any thing further you wish to add to your evidence?—Nothing further occurs to me.

10456. Does any feeling exist, or have you heard any feeling expressed among the farmers in the county of Ayr in favour of any different mode of taking the votes?—Why, I have; they are mere singular expressions; some of course are anxious for the ballot, and some are not; I never heard them discuss the matter, the propriety or impropriety of it.

10457. You say that these have only been individual opinions with respect to the ballot, do you mean to distingush then between those individual opinions as to that particular remedy, and the general sentiment as to the existence of the evil?—Assuredly; that the tenantry do think an evil exists is quite general; I am not prepared

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prepared to say their opinion with regard to the ballot is so general, I never had an opportunity of so generally conversing with them on the point as to be able to say that.

10458. But on the point of the interference of the landlord, you have had that opportunity of generally conversing with them, which leads you to the belief it is a subject of almost universal complaint, have you not?—Yes.

10459. Were there any persons prevented from giving their votes at the last election on account of fear of popular tumult at the time of the election?—Not that I know of, and not in our district; I heard of some tumult in Kilwinning, and a polling sheriff told me that there was some noise at Cumnock, but in the western district of Ayrshire, which is nearly 40 miles long by 16 broad, nothing of the kind occurred.

10460. Were any persons prevented from voting on account of the apprehension of riots?—Not that I know of; not in the west.

10461. Were any hints given to them, they would be exposed to danger if they went to vote against the popular candidate?—I never heard of it.

10462. You never made use of any such argument yourself in canvassing?—Never, I despise the idea. I never asked a man's vote in canvassing in my life. I know their principles generally.

10463. Are you acquainted with a person of the name of Campbell who lives at Gremmet?—I know him quite well.

10464. Did you ask him for his vote?—I did not.

10465. For what purpose did you wait on him?—To see how he was going to vote.

10466. How did you ascertain that?—I never put the question; he said he did not care much about either of the candidates, he did not think either were sufficient.

10467. How did you begin your conversation?—I really forget; two gentlemen were with me, but I cannot say the words I used; I called with Mr. M'Jannet, one of the gentlemen who was with me, and with a Mr. Crawford, on Mr. Campbell, for the purpose of seeing how he was going to vote—that was my purpose, no doubt.

10468. Did you make use of no argument to induce him to vote the way you wished?—None; I never did that to any body.

10469. Were you employed as a canvasser?—I was as law agent.

10470. And as a canvassing agent?—Yes.

10471. Still you did not consider it part of your duty to ask a voter which way he meant to vote?—Whenever I knew his principles I was sure the man would vote with me. If he happened to be the other side, I could not expect it; I know them pretty generally.

10472. What was your object on calling on the persons if you knew generally they were going to vote against you?—I did not know he was going to vote against me, because I think he voted on the other side the time before.

10473. If men in Scotland vote according to their principles always, the ballot is not necessary?—If no influence is used, I should think the ballot unnecessary.

10473*. Did Campbell tell you which way he was going to vote?—No.

10474. You are positive of that?—As positive as I am of any thing. He found fault with both candidates, but I knew perfectly well before I left the house how he was going to vote, although he did not say it. I called more as a matter of etiquette. I knew he was a tenant of Sir David Hunter Blair.

10475. Did you mention to him that he might expose himself to personal risk at Maybole?—Never did, nor to any man; it is impossible I could say so. In point of fact, no such risk ever existed.

10476. Then, if any person has said that you used threats of this sort—"that you were sorry to hear which way he meant to vote—that although the magistrates had taken every precaution, you were much afraid that murder or something like that might happen at Maybole?"—It never escaped my lips.

10477. Of that you are positive?—Positive; and I can prove it, as far as a negative can be proved, by the persons present.

10478. If any persons have said you used those expressions, they have stated that which is untrue?—As applicable to me, most unequivocally.

10479. Was that language used in your presence?—No, never; there must be some sad mistake about it as applicable to me. I am in a situation to prove,

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as far as negative evidence can go, and I was only once at the house in the presence of those gentlemen, that no such words passed.

10480. If it is said that Mr. Campbell asked you what you meant by that threat, and if it is said you stated, "when he came into the crowd he would be cuffed and knocked about," would that have been stated which never took place in your presence?—It is a sad mistake, and I assure the Committee not a word of the kind ever passed, or any thing approaching to it—never heard of it before, and never dreamt of it. But these gentlemen were present the whole time—it does not rely on my testimony.

10481. What sort of a person is Mr. Campbell himself?—He is a decent, respectable farmer.

10482. Then you think he never could have made use of those expressions, and it must be a mistake if it is reported?—In the mean time I will not believe he could have said it—I cannot believe Mr. Campbell would say a thing that was not true.

10483. Is Mr. Crawford one of the witnesses who is now in London?—No, he is not. I never was in Mr. Campbell's house except on that occasion; I do not believe I was a quarter of an hour in it, and the gentlemen I have named were present the whole time.

10484. Was there in point of fact any disturbance at Maybole?—Not that I heard of, none; at Girvan, decidedly none, every thing was very quiet and orderly; and the same was at Comerals and other places.

10485. If any serious disturbance had taken place at Maybole, you probably would have heard it?—Oh, no doubt of it.

10486. Had there been any disturbance at the election in 1832?—Not at the poll; there was some hissing now and then, but nothing like rioting nor cuffing. I heard it outside once or twice, but being in the poll-room, I had no opportunity of seeing the extent.

10487. How long before the election was it you called on Mr. Campbell?—It could not be very long, because we had only 21 days to prepare every thing for the poll.

10488. At that time was there within your hearing any vague apprehension of any disturbance likely to take place at the election?—No, it was never contemplated, it was never once thought of; every thing was quiet, and not the least apprehension of a riot, and none took place; there was no approach to it.

Hugh Blackwood, called in; and Examined.

Hugh Blackwood.

10489. YOU are a farmer at Downhill?—Yes.

10490. Whose tenant are you?—Marquis of Ailsa's.

10491. For whom did you vote in 1832?—For Mr. Oswald.

10492. Were you a member of his committee?—No.

10493. Did you canvass for him on that occasion?—No, never.

10494. You gave your vote on that occasion for Mr. Oswald?—Yes.

10495. By whom were you solicited to give your vote for Mr. Oswald on that occasion?—By no person.

10496. You gave it voluntary, of your own accord?—Yes.

10497. Were you solicited to vote against him on that occasion by any one?—I was asked by Colonel Blair himself to support him.

10498. For whom did you vote at the last election?—Sir John Cathcart.

10499. Do you hold a farm under a lease?—Yes.

10500. For how many years?—Nineteen from the commencement.

10501. When did it commence?—In 1817.

10502. Did you take any part in order to promote the return of Mr. Oswald in 1832?—None.

10503. Not any further than giving your vote?—Yes.

10504. That you are quite sure of?—I think so; I have no recollection of any thing.

10505. You were not a member of the committee?—No.

10506. Were you asked to vote for Mr. Dunlop on Mr. Oswald's retirement by any parties?—No.

10507. Were you asked to vote for Sir John Cathcart by any parties?—Yes.

10508. By whom?—By himself.

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10509. Who was in company with him when he asked you to vote for him?—Mr. Charles Fergusson and Mr. Adam Fergusson.

10510. Two gentlemen of the county?—Yes.

10511. Any body else?—No.

10512. Had you ever any conversation with the Marquis of Ailsa's factor on the subject?—None particular.

10513. Do you mean you never had any conversation on the subject at all, when you say none particular?—Never, respecting the election.

10514. Then why do you say you had none in particular?—We talked of the election going on, but there was nothing particular said about who do you vote for, or any thing like that.

10515. You were never asked by them for whom you voted?—No, never.

10516. Was any wish expressed as to the success of either of the candidates on that occasion, when you were talking about how the election was going on; did he express any wish as to who might succeed, or who might be defeated?—There was nothing particular that I recollect of as to that point.

10517. Are you sure there was not any thing about a wish for a particular candidate?—The factor might say that he wished well for Sir John; but I do not recollect even that being said.

10518. Do you know a Mr. Andrewes?—Yes.

10519. Have you ever had any conversation with him about the voting of the tenants of Lord Ailsa?—No, nothing that I recollect of particularly.

10520. Do you remember meeting Mr. Andrewes and Mr. M'C———, at Kirkoswald?—Yes.

10521. Was that a short time before the election, when the canvassing was going on?—Yes.

10522. Had you any conversation with him at that time about the election?—No conversation particularly; he never asked me who I was going to vote for.

10523. Did he say any thing about the Marquis of Ailsa's tenants, or did you on that occasion?—I did not say any thing, and I do not recollect whether he might have said any thing or not; there was a good few in the room, five or six.

10524. Of the tenants?—No, no tenants but myself and the landlord of the house might be by, I am not sure of that.

10525. Are you sure that you did not say any thing about influence having been used over those tenants who were likely to induce them not to vote?—No, never.

10526. You never said that?—No.

10527. Did you say you thought it was likely some of them would not vote?—I think perhaps I might say that in general conversation; I do not recollect saying so.

10528. You think you might have said that they were likely not to vote?—I do not recollect saying so.

10529. You think you might have said so?—I cannot say that.

10530. You are not sure you did not say so?—I cannot say so either.

10531. In point of fact, did you at that time think it was probable some of them would not vote?—Why perhaps I think I might have heard one of them say that he thought it was not likely he would vote.

10532. Did he give any reason?—No.

10533. You associate with your brother farmers; do you hear much complaint among them of the influence of the landlords exercised over them on the subject of elections, either on one side or the other?—Never heard one say that.

10534. Never heard any one of Lord Ailsa's tenants say he was influenced by his landlord?—Never one.

10535. But, independent of those tenants, did you ever hear a complaint among farmers, I do not mean of any particular landlord, but generally that they are not able to vote as they please at elections?—No, I did not hear any thing of that sort said among the farmers at all.

10536. Never heard such a thing said?—No.

10537. Never heard them complain they could not vote according to their own wishes?—No, I never was with any farmers before the election; I was at home most of the time before the election; I was not at any meetings.

10538. Then you have never heard any conversation at markets, or other places where farmers meet, respecting their giving their votes at elections?—They might be making general remarks.

10539. It is just those general remarks the Committee want to know; did you ever hear any of them make the general remarks that they had to vote as their landlords wished them?—No.

10540. None of them?—Never.

10541. Did you hear of any threats held out on either side to prevent persons from giving their votes?—No.

10542. Either in favour of the popular candidate or the other?—Never.

10543. None within your knowledge?—None within my knowledge.

Thomas Jack, called in; and Examined.

10544. ARE you a farmer?—Yes.

10545. Who do you farm under?—The Marquis of Ailsa.

10546. Had you a vote at the election in 1832?—Yes.

10547. For whom did you vote then?—For Mr. Oswald.

10548. Did you vote again in 1835?—Yes.

10549. Were you canvassed by any body in 1835?—I do not recollect that.

10550. Do you recollect being asked for your vote by any body?—Mr. Craig the factor asked for my vote.

10551. Whose factor is he?—Lord Ailsa's.

10552. For whom did he ask your vote?—For Sir John Cathcart.

10553. Was Sir John with him at the time?—No.

10554. Did Sir John ever ask you himself?—I do not remember that he did.

10555. What did you tell Mr. Craig?—I told him I would not do it.

10556. What did he say then?—I do not remember that.

10557. Did he say any thing?—He said something, but I cannot mind what he said.

10558. Try if you cannot mind what he said?—Oh, I cannot mind it; I have too many things to mind, to mind the like of that.

10559. For whom did you vote?—For. Mr. Dunlop, of Dunlop.

10560. Did Mr. Craig ask any body else to vote at the same time?—Not at that time.

10561. At any other time did he?—I cannot tell that; I can answer for myself, but for nobody else.

10562. Do you hold your farm under a lease?—Yes.

10563. How many years have you to run?—About 11, I think.

10564. Nineteen years' lease?—Yes, it is a nineteen years' lease.

10565. When was the commencement of it?—There are about seven years past; there are 11 or 12 to come.

10566. Having 11 years of your lease, you do not care very much about what Mr. Craig says about your vote?—Why, I certainly care what he says, but I think it is a thing I am free to use myself.

10567. You do not feel yourself in any dependent situation, so that you would be obliged to use your vote otherwise than you would choose yourself?—I think not.

10568. You are an independent man, according to your own estimate of your situation, is that so?—Oh, yes; I think I have no business to vote but any way I like.

10569. Have you had any general conversation with farmers and tenants in your own situation, with regard to their votes at elections, when you have met at fairs and markets and so on; have you ever talked over the subject of their voting at elections?—I mind my own business mostly.

10570. That does not prevent your sometimes talking a little about politics and elections with your neighbours, does it?—I do not recollect.

10571. Do you mean you never talk with other farmers when you meet just before an election or just after, about the way in which farmers vote, and about the voting and so on?—We do not talk much about it; they talk about many things, but they do not mind what it is.

10572. Do you ever recollect hearing any farmers say that they had to vote whichever way their landlords chose?—I do not think I ever heard them say that.

10573. Did you never hear them say, if their lease was nearly out, it would be better for them if they voted as their landlord wished them?—I think they would keep it to themselves if that was the case.

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10574. Do you think they would be ashamed to confess it if that were so?—I am quite sure that they would.

10575. Then if they felt that dependency, you think they would not say any thing about it?—I think so.

10576. You think they would not complain of it?—I think not.

10577. Were you ever asked by any body else, on the other side, to vote for Mr. Dunlop?—I do not mind that I was; if Mr. Andrewes did not ask me, I cannot say that any one did.

10578. Did Mr. Andrewes call on you to ask you for your vote?—He called, I think.

10579. What passed on that occasion?—I think he asked who I meant to vote for, and I answered that I was a liberal man, and I wished to see who would come forward before I gave my vote to any body; I think it is a rash thing to vote without that.

10580. Did he press you any further?—No.

10581. Or was he satisfied with your general declaration, you were a liberal man?—Yes.

10582. When did you receive a summons to attend this Committee?—On Sunday morning before I was out of bed.

10583. When did you leave home?—I left home on Wednesday morning.

10584. Between the time you left home and this, did you see any body to talk to on the subject, any of your neighbours about it?—About what?

10585. About having received the summons?—Yes, we were talking about it.

10586. Did you ever mention it to Mr. Craig?—No.

10587. Were you surprised when you received such a summons?—I did not understand the nature of it; but I went to the schoolmaster and he told me it was a thing I had better attend to; I did not get satisfaction, and I went to Mr. Kennedy, who told me I must attend.

10588. Had you ever stated that you had any important information to give to this Committee on the subject of elections?—I never stated any thing about it, to the best of my recollection.

10589. Can you form any idea why you have been summoned to attend here?—I do not know.

10590. Did you ever tell any body that you had been pressed to vote by Mr. Craig?—That is a question I do not mind now.

10591. Are you quite sure you have not told somebody that you have been pressed, try to recollect a little?—It is a thing that I really cannot mind; I do not mind these little things.

10592. Have you any thing to complain of, of any treatment you received yourself respecting your conduct at the last election?—I have nothing to complain of.

Hugh Campbell, called in; and Examined.

Hugh Campbell.

10593. ARE you a farmer?—Yes.

10594. What is the name of your farm?—Knockgeden.

10595. Did you take any part in the election of 1832?—I took no particular part; I was not empowered to take any particular part; the parish I belonged to formed a sort of association, and we were all of one mind.

10596. And you formed a liberal association?—We did not exactly enter ourselves, it was merely a sort of agreement, or understanding among ourselves.

10597. Were you a sort of preses at that?—I was preses of a committee of electors at that time.

10598. You supported Mr. Oswald?—Yes.

10599. Did you also attend and put questions to the candidates at the last election for Ayr?—I did; but it was with the approbation of the constituents of the parish which I belong to; they were agreed to by the constituents, and I had this scrap, and put questions to both candidates.

10600. You voted for Mr. Oswald in 1832, did you not?—I did.

10601. Did you vote for the same side at this election?—I did not vote at all.

10602. Were you applied to by any body for your vote?—I was.

10603. Who canvassed you?—A Mr. M'Quarter, a writer from Ayr, was the first at my house.

10604. Who did he canvass you for?—For Sir John Cathcart.

10605. Was

10605. Was there any body with him?—No.

10606. Did any body else canvass you for Sir John Cathcart?—Yes.

10607. Who?—A Mr. Ballantine, of Castle Hill.

10608. What is he?—A land proprietor.

10609. Does he live near to your parish?—Yes.

10610. What was your answer to that?—My answer to both was, that I did not agree with Sir John Cathcart's political principles as expressed in his circulars.

10611. Were you canvassed by any body else for Sir John Cathcart?—I was.

10612. By whom?—By Mr. Craig, factor to the Marquis of Ailsa.

10613. Did he ask you to vote for Sir John Cathcart?—He did.

10614. What did you say to him?—I told him the same thing; it was quite different to my principles to vote for that side.

10615. What did he say? did he press you to vote for him?—He did not press; there was neither threatening nor intimidation held out.

10616. Did he ask you not to vote at all?—He did. I said, before I would vote for Sir John Cathcart I would rather not vote at all, as I considered it was likely that Captain Dunlop would carry the election, and I would be odious in the opinion of my neighbours, who were voters, as I had been considered as taking an interest in the liberal side.

10617. Then you thought that you would lose your political character with your neighbours had you discontinued your support to the side that you had formerly supported?—I did; and I thought more than that. I thought that they would think that I was dishonest, or that they would not put credit on what I might set forth in time coming if I altered so far.

10618. Still you consented to alter a little?—I consented to forego the privilege at that time.

10619. Were you present at the polling place?—Oh, no.

10620. Did you keep out of the way altogether?—Yes.

10621. When Mr. Craig canvassed you, did he say any thing about putting questions to Sir John Cathcart?—No; he said, the next time I met him, he was not aware that I had done so, or he would not have canvassed me; but I had information—I cannot vouch for the truth of it—from people whose veracity I could trust, that some of Sir John Cathcart's agents told them—named me by my farm—that "he believed Knockgerden had put questions to Sir John Cathcart, but he knew that Mr. Craig had a question to put to me, and which I perhaps could not answer so readily."

10622. What did he allude to in that?—I do not know; there was nothing more said than that.

10623. What do you think he alluded to?—I think he alluded perhaps to this, that I might be owing the Marquis of Ailsa a few pounds of rent, and that he had it in his power to do something; he did not say so, but it was only the impression on my mind that he meant so.

10624. Did you ever ask Mr. Craig not to press you again on any future occasion if you withheld your vote now?—No; I wish to state what was the conversation with Mr. Craig and I; after Mr. Craig had solicited me, I said to him, "I will put this question to you, 'if I should forego my privilege at this time, or if I should even go the length of voting against my mind, will you just promise to me, when an election comes round again, that you will not press me to go against my own ideas the next time?' Mr. Craig's answer to me was, 'I will not promise.'"

10625. Had you any conversation with Mr. Craig about the payment of rent or payment of arrears?—I called on him on the first day of the polling at Mr. Craig's office.

10626. What is your polling place?—Maybole, but I called on him at Ayr, I went with the intention of paying up some arrears of rent, and he was not at home upon the Tuesday; I called on the Wednesday, and found him, and I told him what I wanted, and he said he was in a hurry that day, but he would wait on me on Friday, and he began about the polling, and said I, "Mr. Craig, I told you that I was not going to vote this time."

10627. What did he say about the polling?—He asked me, "if I had voted?" I said not; and he said, "Damn you, you may vote as you please. I do not want your vote, for if I had known what I know now, I never would have asked it."

10628. What did you answer?—I immediately left him. I said I had promised

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mised not to vote this time, and I would keep my word; on the Wednesday afterwards I had time to have gone to the polling place, but did not do so.

10629. The election was nearly over then?—It was about twelve o'clock, the poll did not close at my place until four; I had plenty of time to have gone to the poll if I wished.

10630. When did he say he did not care about your vote?—On the Wednesday.

10631. When it was pretty clear he did not care about your vote?—It seems so.

10632. If you had never seen Mr. Craig on the subject, for whom should you have voted?—Oh, if Mr. Craig had not either sent communications to me or asked my vote, I certainly say I should have voted for Captain Dunlop.

10633. Have you, in conversation with other farmers, ever heard complaints generally—not of any particular landlords—that they are interfered with and prevented from voting in something of a similar manner?—I cannot say exactly that I have heard my neighbours say they were prevented; I know well that many of my neighbours were under the same impression, that, if they voted for the liberal side, that their landlords would not be satisfied; that was the impression on my mind, but I do not vouch altogether for that.

10634. That impression on your mind is derived from general conversation on the subject?—Yes.

10635. And you think that that general impression was, that if their landlords were dissatisfied, that such of them as were in any degree dependent on their landlords would be the worse for so voting?—Why, the landlords had it in their power; that is what we understood.

10636. With regard to any of your own neighbours, tenants of Lord Ailsa, is it your belief any of those were prevented from giving their votes for Captain Dunlop, or at all, by any impression of the same sort, that they would dissatisfy their landlords?—I am well aware that there were a number of them that held back as well as I did, and that they just did that on account that the landlord could not say they had voted against his wish.

10637. Had those persons voted for Mr. Oswald in 1832?—Yes.

10638. And you believe that they still remained in the same mind to support the same side?—I do; at least I heard them say so within a few days of the polling time; and I know one of my neighbours that I am most intimate with, who expressed himself very strongly that he would not vote on the other side, and yet he did so.

10639. And is it your belief that was in consequence of any interference?—He never said so to me; but from what he had said to me previous to that, I could have no other impression on my mind.

10640. Was any person present when you had that conversation with Mr. Craig at Ayr, on the Wednesday?—Yes, there was a Mr. Brown, a writer, came up, when he and I began the conversation.

10641. Is that Mr. Brown, of Maybole?—No, Mr. Brown, the editor of the Ayr Observer newspaper.

10642. What was the nature of the conversation that Mr. Craig had with you in the presence of Mr. Brown?—It is exactly as I have stated it. His charge was in presence of Mr. Brown: "Here is a man who asked a bribe from me to vote for Sir John Cathcart;" and I said, "I did no such thing;" and I explained the conversation just as I have done at present in Mr. Brown's presence.

10643. Mr. Craig stated you had asked a bribe?—Yes.

10644. What was the nature of that bribe; was it an indulgence as to the payment of your arrears?—He stated so—he stated so to Mr. Brown—a *bribe*; he did not mention exactly any particular thing, but said a *bribe*.

10645. Was that what you understood him to refer to?—Yes.

10646. Did not Mr. Craig inform you that he had stated that in the town of Ayr?—No.

10647. Did he not ask you to admit whether what he had said was true or not in the presence of Mr. Brown?—He did not ask me to admit that; when he charged me with that, I immediately flatly denied the charge, and I stated the conversation as it stands there.

10648. Did you not admit on that occasion, in the presence of Mr. Brown, that you had asked for an indulgence, and would have voted for Sir John Cathcart if it had been granted?—I did not.

10649. Of that you are positive?—Of that I am positive.

10650. Are

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10650. Are you also positive that you never told Mr. Craig, for all that you had done at the Dalrymple meeting, you still would have voted for Sir John, if he had agreed to the indulgence you had asked?—I never did.

10651. Was Mr. Brown present during the whole of your conversation on Wednesday?—No, he was not present the whole time, because he came up after Mr. Craig, and I was in conversation. Mr. Craig alighted off his horse in front of his own house, and Mr. Brown came up or down the square, I do not know which.

10652. This took place in the public square?—Yes.

10653. Was any other person present within hearing?—I think not; there was another person I had been doing business with, selling farm produce.

10654. Did Mr. Craig make any remark on the person who was chairman of the Dalrymple meeting?—Not that I recollect.

10655. Might he have done so?—He might have made remarks; I have no hesitation in saying he might have made remarks.

10656. You, being the chairman of that meeting, if he had made any remarks on the character of that person, would have felt yourself bound to answer them, as they were addressed to you, and you would have recollected them?—Yes; but I do not recollect any remarks he made on that; I stated to Mr. Craig, that I did not consider that what I had done in signing for that meeting at Dalrymple, had made me any more obligatory in any way than the other gentlemen who had been present; there were about twenty, and I was named to sign the minutes; and what was put in the public papers was agreed to without a dissenting voice, and drawn up in the presence of the meeting, and signed by me as chairman in presence of the meeting, and sent to the public press.

10657. Are you anxious to have the ballot in your part of Scotland?—At one time I was not; but from what I have seen, I consider it would be the only mode now that we can have freedom of election by; and a vast number of people that I know are of the same opinion.

10658. Do you think that is in consequence of the interference of persons who have influence over the electors that they have come to that conclusion?—The impression on my mind is, that there is by far too much canvassing.

10659. Were you canvassed by any person to vote for Captain Dunlop?—I was not. The first communication I had on the subject was a circular sent to me from Captain Dunlop's agent; we had notice of Captain Dunlop's meeting us at a certain day, and there was never any more canvassing, at least I do not know of any, for no person asked me to vote for that side.

10660. You never pledged yourself?—No, because I said publicly, in the presence of Sir John Cathcart and Mr. Dunlop, that I would go to the poll unpledged and vote according as the impression of my mind then was.

10661. Was that before or after your conversation with Mr. Craig?—It was long before that; the conversation with Mr. Craig was on the last day of the polling.

10662. Was it before the time when Mr. Craig first asked you for your vote?—It was previous to Mr. Craig's seeing me; the first time Mr. Craig asked me for my vote was in Ayr; then he came to the house.

10663. Did any conversation take place with regard to your arrear on that visit?—None that I recollect of; I mentioned to Mr. Craig, when I was on the public road, that I was in some arrear, but that I had communicated with the Marquis of Ailsa on the subject last year, and wished to be allowed time, and, says he, he has no fear of your getting up with your arrear; and there was a neighbour of mine told me, when Mr. Craig canvassed him, that person asked "Have you been at him?" he said he had. "Have you asked if I had promised a vote for Sir John?" he said "I had not promised;" said he, "I must not say much to him, for I consider he is a good farmer." I did not consider he had any ill-will.

10664. Mr. Craig has not any ill-will against you now that you know of?—Not that I am aware of; I have not seen him since.

10665. Have you any thing to complain of, of any treatment you received with reference to the last election?—I have nothing to complain of, that there was any threat or intimidation held out to me, but I consider that was rather keenly canvassed.

10666. And that you were so keenly canvassed that you did not use your vote in the same way that you had done on a former occasion?—I just determined that I would not vote at all.

10667. You thought on the whole it most prudent not to vote at all?—Yes; I

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do not wish to say further; Mr. Craig also said something that day at my house with regard to the Marquis of Ailsa, wishing Sir John Cathcart to succeed; that is rather a delicate thing; and Mr. Craig also said to me, "You must not say much about it." I will beg not to be put to explain that, for it had nothing to do with politics.

10668. You have stated at that interview with Mr. Craig at your house, you never said any thing to him about non-payment of the arrears?—I never did. The payment of arrears was mentioned; I mentioned that I owed so and so.

10669. You told him that you owed 180 *l.*?—No, there was no sum mentioned, and I do not think I owe him that.

10670. Perhaps you do not owe him any such thing now?—No, nor at the time either. There was half a year's arrears, which the Marquis of Ailsa agreed to stay over for a time; that would only amount to 60 *l.* or 70 *l.*; I am convinced I was not owing him another half-year's rent; I told Mr. Craig, when he and I had the last interview, when I paid him the money, that if he was pressing for money, that if he would give any person a guarantee to receive it from me that I would advance the money if he chose. I had made an arrangement in March with Mr. Craig to pay up what I owed him in instalments, the month of June was the first, and the month of October was the last, and I never found Mr. Craig any thing but a man of honour, and I did not think he would press me if I kept my time according to what I agreed upon.

Robert Andrews, called in; and Examined.

Robert Andrews.

10671. ARE you a farmer?—Yes, in the parish of Kirk Michael.

10672. Whose tenant are you?—Sir James Ferguson, of Kilcarran.

10673. Had you a vote for the county in 1832?—Yes.

10674. For whom did you then vote?—For Mr. Oswald.

10675. Were you then under the same landlord?—Yes.

10676. Did any body canvass you on that occasion?—Yes.

10677. Were you canvassed by both parties?—At the last election.

10678. The question has reference to 1832?—I recollect being canvassed by Colonel Blair, but I do not recollect whether I was by Mr. Oswald or not, but I rather think I was.

10679. Were you canvassed by any one at this election?—Yes.

10680. By whom?—By Mr. Andrewes for Captain Dunlop.

10681. What did you tell him when he called on you?—I told him that I was not sure whether I would vote at this election or not.

10682. Did he press you to vote for Captain Dunlop?—No, he did not.

10683. Did he ask you to vote for Captain Dunlop?—No, I do not recollect that he did.

10684. What did he say?—He told me that Captain Dunlop was going to offer himself as a candidate for the county, and I do not recollect all that passed; he was not many minutes there, and I said I was not going to pledge to any at the present time, for I was not sure whether I should vote or not at this election.

10685. Did you say any thing about the sort of person you would not vote for? did you tell him you would not vote for a Tory?—I do not recollect saying any thing with regard to that.

10686. Are you quite sure?—I do not recollect saying that.

10687. Were you canvassed by any body for Sir John Cathcart?—Yes.

10688. By whom?—One Mr. Pollock, from Ayr, a writer.

10689. Were you canvassed by any of the Kilcarran family?—Sir John Ferguson called on me one day; I do not know whether he was particularly canvassing or not; we talked on other business; he was going by the road.

10690. Did he talk about the election?—Yes.

10691. What did he say about the election?—He said Sir John Cathcart was going to offer himself a candidate for the county.

10692. Did he say that he wished him success at the election?—Yes.

10693. Did he say any thing about your vote?—He said he was going to support Sir John Cathcart, and if I went along with him, it would look very friendly or so.

10694. What did you tell him?—I told him I was not sure whether I was going to vote at this election or not, that I would not say any thing about it until the day of polling came.

10695. Had you any further conversation with him on that subject?—We talked a few

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a few minutes only and I spoke on some other business with regard to the farm, but I think that was the principal that was said with regard to the election.

10696. Have you a lease of your farm?—Yes.

10697. How many years has that to run?—About nine years.

10698. Were you ever canvassed after that meeting with Sir James Ferguson by any of the family?—No, Sir Charles Ferguson called at my house, but I was not at home.

10699. Did he leave any message for you?—He talked with my mother, an old woman, and she is rather dull in hearing, and she could not tell particularly what he said; she said, he said he would be glad to see me the day following at Maybole; but what the particulars were she could not tell me distinctly.

10700. Is there a place called Cross Hill between the place of the election and the place where you live?—Yes.

10701. Do you recollect stopping a few minutes there as you came back from the election?—Yes.

10702. Do you recollect saying any thing about the election there, about your own vote?—Yes; I do not recollect saying much.

10703. Do you recollect saying that you would rather have lost 20 *l.* than vote the way you did?—I do not recollect saying that.

10704. Whom did you talk with when you were there?—I talked with a great many, the room was nearly full.

10705. Did you talk about the election at that time?—I do not doubt but what it was talked about; but I had got some spirits, and I do not recollect exactly what passed.

10706. You would not undertake to say you did not say that?—No, I cannot say whether I did or not.

10707. You have always been of the other side in politics, have you not, you supported Mr. Oswald in 1832?—I did not interfere much with politics at all; I did not consider I was very much informed about it, as I did not read many papers, and have not many opportunities.

10708. You do not take a very keen part on either side?—No.

10709. You find attending to your own business in the farming a more profitable occupation?—Yes.

10710. When did you receive a summons to attend this Committee?—Eight days past.

10711. Were you surprised at receiving such summons?—Yes; I did not understand it when I got it at all, or what was the meaning of it.

10712. Whom did you go to to explain the meaning of it?—One of my neighbours went to Mr. Kennedy and showed it to him, and he called on me and told me what was the meaning of it.

10713. And that you must immediately obey it?—Yes.

10714. Were you aware for what purpose you were sent for here?—No, I cannot say that I was.

10715. Have you any complaint to make of any treatment which you received yourself at or since the election, with reference to the vote you then gave?—No.

10716. You have nothing to complain of with regard to the mode you were induced to give your vote previous to the election?—No, there was nothing interfered that way.

10717. Did you ever hear any of your neighbours complain of being interfered with?—I cannot say particularly, I have heard it perhaps afloat in the country, so and so saying it; I cannot speak of any one directly.

10718. But do the people talk generally of tenants being interfered with by their landlords, and not voting which way they wish?—I did hear it perhaps afloat in the country, but none in particular said so to me.

10719. Did the people that you met at Cross Hill that day on your coming from the election, blame you for the way in which you voted?—I do not recollect of them at Cross Hill doing so; but at the election at Maybole, they showed some small symptoms of disapprobation when we came from the polling place.

10720. Was that general; was there an expression of dissatisfaction exhibited towards all those who voted for Sir John Cathcart?—Yes, all that was known of.

10721. Those who were known to have voted for Captain Dunlop were cheered?—Yes.

10722. Was there any personal violence used towards any of the persons?—None that I know of.

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10723. Did you hear of any?—I do not recollect it.

10724. Did you ever hear any person had been prevented from going to Maybole, or any other of the polling places, from apprehension they would be ill used if they went?—None that I know of.

10725. Did you owe your landlord any arrears when he called on you before the last election?—Not a farthing; I have not owed him a farthing these nine years; I paid every farthing at the term punctually.

Mr. *Charles Taylor White*, called in; and Examined.

Mr. *C. T. White.*

10726. DO you live in Horncastle?—I live in the parish of Horncastle.

10727. Did you take a part at the last election for the division of Lindsey?—Yes.

10728. Can you state any circumstance that has come to your knowledge, either directly or not quite directly, which you believe, of interference with voters, either by threats before the election, or by punishment to voters in any way for their votes after the election?—The first case that I know of is the case of Joseph Stevenson, a tailor, who then held a situation at Messrs. Wright and Scott's, as the foreman of the tailoring department; he gave a vote contrary to the wish of the Conservative party, and he told me last Saturday week, that his then employers informed him, that they had twenty applications from different gentlemen in the neighbourhood who did business in the shop, to say, "unless they discharged Stevenson they should never enter that shop again," and they were under the necessity of discharging him, and he is now fixed for himself as a tailor at Horncastle.

10729. Were any of the names of the persons mentioned to you who sent these messages to his employers?—He did name some of them.

10730. How many did he name?—He named seven or eight.

10731. Did he say those names had been repeated by his employers?—Yes.

10732. Have you any objection to state those names if the Committee should ask you to do so?—None whatever.

10733. State any other case?—The case of a man of the name of Willie, a master bricklayer; he was applied to for his vote by Mr. Corbet's friend, one of the present Members; he refused, as he had already promised Sir William Ingleby and Mr. Pelham; a certain part of the Conservatives in Horncastle and neighbourhood applied to certain tradesmen with whom they do business, to state to this Willie, that unless he gave a plumper for Mr. Corbet they should be under the necessity of discontinuing employing him, to please these different gentlemen.

10734. Did he state any of the names of the gentlemen?—He stated one who is a tradesman in the town, and who employed him as a bricklayer; I might have had others if I thought it necessary.

10735. Did he state any of the names of the gentlemen who had applied to the tradesmen?—Yes, he did.

10736. Did he say whether they had threatened him in this way in conversation, or by letter?—They did not threaten him personally or by letter.

10737. Had they applied personally or by letter to the tradesmen who employed him?—I do not know how the application was made to the tradesmen who employed Willie.

10738. What was the name of the tradesman who had employed him?—Another Stevenson, a tailor, not the same as the one to which I have before referred.

10739. Did he mention who the gentlemen were who had applied to Stevenson?—He did mention the name.

10740. Go to any other case?—There is the case of my father; the chairman of Mr. Corbet's committee demanded a plumper of my father for Mr. Corbet; my father had already promised Mr. Pelham and Sir William Ingleby; the chairman said, "Lord Mansfield, your landlord, desires that you will give a plumper for Mr. Corbet, and I must have a plumper for Mr. Corbet;" my father's reply was: "I have every respect for my landlord, Lord Mansfield, and I should be happy to serve him, but I cannot serve him this time; I have always voted in this way, and I shall do so again."

10741. What is your father?—He rents the tolls and royalties at Horncastle of Lord Mansfield, who is the trustee of a minor.

10742. Does your father hold any employment or farm under Lord Yarborough?—None whatever; no connexion whatever with Lord Yarborough, only knowing him to be a very excellent landlord, and we are very partial to his son as a Member.

10743. Had

10743. Had your father any further communication with any person respecting his vote, either from Lord Mansfield or any one else?—I saw Lord Mansfield's letter to his steward, and in that letter there was no order to give the plumper to Mr. Corbet.

10744. Then it was an unauthorized use of Lord Mansfield's name, was it?—It is quite evident in my opinion, and I can state it on oath, that I believe the chairman of the committee told an untruth to my father.

10745. Are there any other cases you can mention?—Those cases I can substantiate by other evidence if it were necessary. I have heard a great deal, but perhaps that is all denied; such as the chairman of the committee going into a grocer's shop, and saying "I have come for your vote;" and the party saying, "I have given one to Mr. Pelham, and I will give you the other;" that the chairman would then say, "One will not do, I must have the two." The tradesman to which this applies denies that those were exactly the words; but admits, that words were used conveying the impression, that he must give the double vote to Mr. Corbet.

10746. Are there many instances which you believe to be true of similar applications being made to tradesmen in your neighbourhood?—I have no doubt the whole of the tradesmen were applied to in a similar way.

10747. And that similar inducements were held out to them?—I have no doubt of it.

10748. Do you believe these things to be the acts of a single individual, or that they were done by other persons of the same party?—I do not believe it was the act of a single individual, I consider that that one individual does more mischief than half a score put together; but he is not the only one.

10749. Was that individual the chairman of Mr. Corbet's committee?—He was the chairman of Mr. Corbet's committee. I applied to the parish clerk of Horncastle for a vote for Mr. Pelham; he said, "I would give you a vote with pleasure, but I dare not, our clergyman says I shall plump Mr. Corbet; I am very sorry."

10750. Were you acquainted with the parish clerk before?—I have known him for these twenty years and better.

10751. Are you acquainted with his general political sentiments?—He is afraid to speak, or else I believe he is of the same political feelings as myself.

10752. Is that your belief, from knowing him?—Yes.

10753. Have you any other particular instance?—There was one Johnson, who was not on the register, through a mistake. The chairman of Mr. Corbet's committee called on him, and Johnson told him he was not on the register. The chairman said, "Never mind that, we can put you on; we have all on our side, we have the sheriff and under-sheriff, and the returning officer; we can do it, if you will only vote for us." Mr. Johnson's answer was, "Suppose I vote against you, will you pass me then?" and he said "No."

10754. Was any threat held out to Mr. Johnson?—None whatever.

10755. Does your acquaintance lay principally among the tradesmen of Horncastle, or do you know about the farmers?—I am more among the farmers; since I left the Temple I have been at home with my father for five years; I have superintended my father's concerns, and we have all the sheep-market and the cattle penned with us.

10756. Of those farmers you are acquainted with, do you believe the majority of them voted uninfluenced by their landlords?—Oh dear no, quite the reverse.

10757. Do you hear that from the farmers themselves?—I do; they say it is no use to placard the inns with addresses "to the independent electors," unless they can vote as they please; they say the 50*l.* clause is no use to them, that it is the landlord's vote.

10758. Can you refer to any individuals who have been induced to vote contrary to their own inclinations by the interference of the landlords?—Yes; I know one particularly, I am intimate with him.

10759. Can you mention the circumstance?—The voter promised Sir William Ingleby a vote; when Sir William Ingleby got to his name and residence, he said, "You live under the chairman of Mr. Corbet's committee; he is an opponent of mine; my good fellow, do not vote for me; he is sure to turn you out of your farm." Sir William Ingleby pressed the man not to promise him, because he knew how vindictive he would be. The man said, "I will give you a vote if it costs me my farm;" but he was pressed, he told me afterwards, by the steward and by his brother, and by his landlord himself, and he did not give the vote as he had promised to Sir William Ingleby.

10760. Did he vote at all?—He did.

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10761. Whom did he vote for?—That was the previous election, when he voted for Sir Robert Sheffield and Mr. Pelham; the last time he would, if he had dared, have given a vote to Mr. Pelham and Sir William Ingleby; he was compelled by his landlord to vote a plumper for Mr. Corbet.

10762. Have you heard, in a manner which leads you to believe in the truth of the statement, of any other similar case with regard to other individuals?—All round Horncastle we are surrounded by Tory landlords, and I believe the Tory landlords and clergymen compel their tenants to vote for the Tory candidate against their inclination; if they were left alone, there would be a different state of the poll every time; there is not one in ten within ten miles round Horncastle, I may say with truth, would vote for a Conservative candidate if it were not for his landlord.

10763. Do the Whig landlords exercise a similar influence over their tenants?—No, they do not; my Lord Yarborough lets his tenantry vote as they please, so does Lord Ebrington and Earl Fortescue.

10764. Do the Whig landlords in general?—I never heard of a Whig landlord tying his tenants down to vote for any particular candidate in the neighbourhood of Horncastle.

10765. Do the tenants of the Whig landlords vote for the Conservative candidates?—If they please.

10766. Were there many instances of their so voting?—Yes, there was Mr. Heneage's tenants voted so—some for Mr. Corbet and some against him—not at the instance of the landlord; I never heard of any interference on the part of any of the Whig landlords in Horncastle.

10767. Do not the tenants of the Tory landlords exercise the same privilege?—No.

10768. Is not your father an instance to the contrary?—My father voted for Mr. Pelham.

10769. Your father is a tenant to a Tory landlord, and voted for Mr. Pelham; and yet you say none of the tenants of a Tory landlord were allowed to vote for the Whig candidates?—I do not consider Lord Mansfield as a landlord in the neighbourhood; I understood the question referred to resident gentlemen; my Lord Mansfield is in London.

10770. As to Johnson, although he had no vote, he is under my Lord Mansfield; and if he had had a vote he would have voted for Mr. Pelham and Sir William Ingleby?—There are cases of Tory landlords at a distance, where the tenants polled at Horncastle against the Tories.

10771. The whole of the resident gentry about Horncastle are Conservatives?—They are.

10772. Have you any other case you wish to refer to?—There are plenty of cases, but I cannot vouch for them.

10773. Are you prepared to substantiate those statements that you have made of a general nature by individual instances coming more or less within your own knowledge and more or less within your own belief?—Yes, certainly.

10774. Is there a prevailing desire among the electors in the neighbourhood of Horncastle to be allowed to vote by secret ballot?—It is the favourite mode with us now of taking an election, if we could get such passed into a law. The whole of the farmers consider it is of no use for them to judge who are the best men to represent them, so long as the landlords have their vote in his pocket.

10775. Do they say they would rather be without the vote than exercise it as it now is?—Yes, nine out of ten do not thank you for it, so circumstanced.

10776. Have they so stated to you?—They have; in fact they dread an election.

Martis, 4° die Augusti, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Colonel *Henry Bruen*, called in; and Examined.

Col. *Henry Bruen.*

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10777. YOU have heard of several cases of intimidation stated to have been exercised by you as a landlord, given in evidence to the Committee by Father Maher, a Roman Catholic priest of Carlow?—I have, and I moreover have repeatedly denied them in his presence.

10778. When

10778. When you say you have denied them in his presence, do you mean to say that you have given any thing more than a general contradiction, or that you have stated that certain points brought forward by him are not founded in truth?—The charges were first made three elections since; he has brought the same charges forward at three elections against me; I think it was in January last that I at most length and most circumstantially denied them in print.

10779. You denied them in print in 1835; had you verbally, when the charges were made against you in public, generally denied them?—Yes, and particularly at the time.

10780. Then you have given a denial to these statements on every occasion when they were brought forward, and in 1835 you gave your denial not only before the constituency but also in print; when did that denial of yours in print appear?—It appears in a speech which I made at the hustings, and which speech is in print; Father Maher called for it on the late occasion, and with the paper in his hand commented on it paragraph by paragraph.

10781. Then is the Committee to understand from you that the denial made by you in January 1835, and which subsequently appeared in print as your speech at the hustings, was commented on by Father Maher in June 1835 from the hustings?—Yes.

10782. Have you got that speech of yours in print?—I have not, but it could be obtained, I am sure.

10783. You have heard the points to which Father Maher has deposed in stating that you have exercised your power as a landlord with a desire to intimidate voters from giving their votes fairly; will you be so good as to state to the Committee whether the case of the widow Nolan, as deposed to by Father Maher, is a correct statement of that circumstance?—It is altogether incorrect.

10784. In what particular is it incorrect?—As well as I remember, Father Maher states that it was in consequence of her brother-in-law not voting for me that I proceeded against her by way of ejectment; now it seems that this very brother-in-law of hers is, I believe, joined in the lease with her; Mr. Maher states it was in consequence of Nolan not voting for me I ejected this woman, but as Nolan was joined in the lease, if I wished to punish him he would have been the person I would have had recourse to. The facts of widow Nolan's case were these: she owed me a great many years' rent, and paid very badly and very little; I sent for her, and made her the following offer: "You owe me a great many years' rent; you are not able to pay or to cultivate the ground properly; I will forgive you all the rent you owe; I will make you a present of all your stock, cattle, farming instruments, furniture, and every thing else belonging to you; I will, beside, make you a present of (I think) 20 *l.*, to assist you to procure some other farm;" after waiting a considerable time she did not avail herself of these offers, and the ejectments were served, to which she and her family offered the most vexatious opposition, beating the people, who came to look at the land, off with stones, establishing themselves in outhouses, and, in short, standing a regular siege, and for which she was several times summoned to the petty sessions in the neighbourhood; that is the state of the case with respect to the widow Nolan; she was ejected, and the land was given to another.

10785. When the charge was made against you on the hustings by Father Maher, that your conduct towards the widow Nolan was actuated not by the exercise of your rights as a landlord, but by your desire, as a Member of Parliament, to punish her for the vote given by her brother-in-law, did you state these circumstances in your speech which was afterwards printed, and which was commented on by Father Maher?—I did.

10786. Then Father Maher was conversant of the facts which you have now stated to the Committee, was he?—Perfectly aware of them.

10787. Did you ever state on the hustings that you would take steps against the brother-in-law, who was in the lease with her, in order to try the point at issue, whether you were or were not actuated by the motives which were attributed to you?—I have this morning seen some notes to which Father Maher refers; he says, "I pretended to take down something while he made this charge against me," and this day I find these notes taken down at the time; on these notes I find that I have taken as part of Father Maher's statement on the hustings as follows: "he asserts and reasserts that no rent is due; he informs us the lease is 30 years old;" I observe on that, "he selects eight years out of this number; he lays on a rent of his own choosing for these eight years, not at all regarding

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the rent of the lease, and on those making his calculation, he roundly declares that no rent is due, and accuses me of acting illegally and tyrannically for ejecting, and protests all the while he would not wrong me or injure me for the world."

10788. You contradicted that statement of his at the time?—While he was making his speech.

10789. Did you contradict Mr. Maher's statement at the time?—These notes I took at the last election in June; he had previously made the accusation against me; I contradicted that accusation again in my speech which was published; he reasserts the thing in June last, and as he went on I took down what was said, and what suggested itself to me.

10790. Did you repeat that statement on the rough notes (which you now have, taken probably while he was speaking) publicly and loudly on the hustings?—I did, in part.

10791. Of what use were the notes?—The notes I took for my own private satisfaction; I had already spoken, and it was not competent for me again to do so.

10792. Have you spoken since?—I made no formal speech since; I spoke once after I was proposed and seconded; after that Mr. Maher got up and asserted these things; he was aware of the contradiction I had given and published in January.

10793. Can you obtain that written report of your speech giving the contradiction to Father Maher, which he states never was given at all?—I have no doubt I can.

10794. Will you be so good as to make it your business to obtain that paper and put in your written speech?—Certainly.

10795. Are there any particular statements made by Father Maher to which you wish, before this Committee, to give any particular contradiction, or do you wish to refer the contradiction of any statements of Father Maher to the speech which was afterwards printed in January last?—I beg leave to refer to that speech as a full contradiction of Father Maher's statement; I moreover beg leave to say, in the middle of Father Maher's speech, when he had stated this case of the widow Nolan over and over again, I got up and I said, "I have contradicted this over and over again; I have directed a prosecution to be instituted against the person who is joined in the lease, which will give you an opportunity of seeing in a court of justice whether I am correct or whether you are," that I stated on the hustings; Mr. Blakeney, who is the landlord of Nolan, was exceedingly angry on the occasion.

10796. Why was he angry?—Because of my thinking of proceeding against his tenant for rent due by the widow Nolan.

10797. Have you proceeded against him?—I have given directions to proceed against him, but when I left Ireland my agent informed me he could not be served.

10798. Why?—He lives in a distant part of the country, near the borders of the county of Kilkenny, and it is not easy to have law processes served there, nor is it easy to procure a person willing to perform such a service.

10799. Then you are sure, speaking before this Committee, that the motives attributed to you by Father Maher, as to your conduct towards the widow Nolan, have no foundation in truth; and that you did cause the widow Nolan to be ejected on account of the non-payment of rent, and not on account of the manner in which any relation of hers might have voted against you?—Most certainly not.

10800. And you consider that this statement of yours can be verified by your agent and by other persons, if time permitted?—The facts are notorious; my motives neither my agent nor any body else can tell.

10801. You mean the facts are notorious that she was ejected on account of the non-payment of rent, and not on political motives?—Certainly; on account of non-payment of rent, and being an ineligible tenant.

10802. In your speech that you made, which was afterwards printed, have you therein contradicted in detail the other allegations made by Father Maher, with respect to the individual cases which he has now brought forwards against you, as being parts of your violent conduct as a landlord?—I really cannot say whether they are in the speech; I have never seen it since; I have publicly contradicted them when I have heard them.

10803. There is one case of Murray, the rent-warner, in which it was stated by Father Maher that you had allowed him 10*l.* a year for eight years, without any written agreement; and that at the end of the period, when it was necessary to eject this individual on account of the vote that he had given, or on account of his refusal

refusal to vote for you, that you then, instead of making him an allowance for the last eight years, brought that as part of the account against him; and that you took unjustifiable means to make out a strong balance in the account against him, whereas had he received fair play there would have been a balance in his favour; how is that transaction?—The fact is, that there are two drivers on the estate whom I pay, and no more, and Murray never was one of those; he owed several years' rent; 10 or 12 years I believe he has been in possession of that farm, and I do not think he had paid above a year and a half's rent; he was treated with great indulgence; he behaved very treacherously, and I directed him to be ejected. He has no claim on me by any agreement, or in any other way, for any sum of money whatever. If Mr. Carey, my agent, employed him in any way, he will pay him, if he pleases, but he can make no charge against me for it.

10804. Do you mean he was not authorized by you?—Certainly not. There are but two drivers on the estate, and this man never was one of them.

10805. What do you mean by "behaving treacherously?"—He pretended to be very much attached to my interest, and to use his influence with the tenants to vote for me; I found he was using his influence with them to vote against me, and thought that was so great an instance of treachery in a man that had been so kindly treated, that I really thought I should not discharge my duty to myself if I did not get rid of him.

10806. Then you considered the previous years of indulgence on your part, and the mode of conduct on the part of your tenant, Murray, has justified you in using the term "treacherous," and in distraining upon him for rent that was due?—Certainly. Some of the tenants on this townland had behaved particularly bad. It was in the possession of three Protestants several years ago; I took the land from the three Protestants, and I gave it all to Roman Catholics.

10807. Did the Protestants conduct themselves ill?—No.

10808. Why did you remove them?—They were not resident on the land; they were middle-men; one resided close by.

10809. You say you conceive the tenants on that townland have behaved bad; what do you mean by that?—I mean, by not supporting me; ungratefully.

10810. These tenants who behaved, in your opinion, ungratefully, were they in arrear of rent to you, for the most part?—They all, I think, owed more or less; Murray owed me many years' rent.

10811. But as to these persons you talk of as having behaved badly, were they independent of you as to the payment of their rent in general?—I think they had paid tolerably well, with the exception of one or two.

10812. Those who have paid their rent have you taken any steps against?—No, none.

10813. Do you think that if the statement of Father Maher, as regards the case of the widow Nolan, and as regards the case of Murray, which you heard him state, was founded in fact, that he would not have taken some steps to have vindicated their cause before the tribunals, and publicly to have shown the violence and injustice of your conduct as a landlord?—I am quite certain he would; and moreover, he would have been at no loss for funds either.

10814. Do you mean to say that the priests have any organized confederacy, in which funds are raised for these purposes?—I mean to say they are raised all over the country; that is the public report; I cannot know it of my own knowledge; so much per acre is levied, and money is got on every occasion required, and very large sums are collected; indeed the sums levied in the county of Carlow, if it were possible to obtain an accurate knowledge of the amount, would be almost incredible. They are able, in their operations against tithes, to levy direct war against the law and the King, in the open face of day. I, myself, witnessed a most extraordinary scene in the capital of the county.

10815. Do you mean to say that, through the intervention of the priests, that money is raised for the purpose of paying those who might suffer from the violence of their landlords, if they voted in a particular way?—Yes; and for those who might violate the law in other ways. It has been proved by affidavit that one priest publicly, at the altar, encouraged his flock to violate the law, by the assurance that he would pay the fine that might be inflicted for them; and a petition on that affidavit was presented to the House of Commons.

10816. Who presented the petition?—I did.

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10817. Who made the affidavit?—I do not remember the name of the man it is easily to be discovered

10818. Can you give the name?—I cannot at this moment.

10819. What is the priest's name?—Welch.

10820. The man who died the other day?—I believe it was his uncle.

10821. You say this was proved; an affidavit may not constitute proof; was there any other proof of his having so spoken from the altar?—I understood the charge was made in the open court of Borris; that Mr. Welch was there, and denied it; and the man got up in open court, and told him to his face he did.

10822. The man who made the affidavit so stated?—Yes.

10823. Did Mr. Welch reiterate his denial?—I was not there; the man repeated it, and asserted it in open court, as I am informed.

10824. Do you consider the prosecution of the freeholders by the landlords, to which Father Maher has deposed, originated in their desire to coerce their tenants in every respect, or that it had originated in a league on the part of the priests to coerce their flocks to acquire political power?—Why, the real fact of the matter is, that the gentlemen of the county of Carlow, if they had asserted their rights as they ought to have done long since, would have prevented their county from becoming the seat of the dreadful scenes of violence and disorder which it has; and it is owing to their foolish kindness that the priests have been able to obtain the power that they have.

10825. By "foolish kindness," do you mean the abstinence of the landlords from measures of extreme rigour in connexion with the elections?—I mean by "foolish kindness" of the landlords, their not asserting their rights as they ought to have done.

10826. What do you mean by "their rights," and what do you mean by "foolish kindness?"—Overlooking a thousand acts of insubordination and opposition to the law, which, in strict justice to themselves and their country, they ought to have taken notice of.

10827. Specify a few of those thousand acts of insubordination and resistance to the law?—I can mention some to which I have been witness.

10828. What were they?—I was a witness to the town of Carlow being taken possession of, and kept possession of, a whole week by a set of as great savages as I ever saw, headed by the priests, collected from all the counties round about.

10829. Do you mean to say these men marched into Carlow and were headed by priests?—Yes.

10830. What were the number of priests?—I cannot tell; the town was as full as it could hold.

10831. When was this?—This was at the sale of some cattle that were distrained.

10832. Was it a tithe sale?—Yes.

10833. What is the date?—About two or three years ago. I beg to go a little more in detail of this matter: these priests marched in, and one of my authorities for the statement was the officer who was with the troops, who told me, that when he was marching with the cattle in that direction these people were pressing too close on his men, and that he remonstrated with the priest, and that the priest then with his whip drove them back again, and kept them at a certain distance behind, until they came into Carlow, and then I saw them myself. This mob, or these people, in their passage through the different roads of the country collected the servants and labourers of the gentlemen in their way, and they came in with them. I say if the gentlemen had done their duty then, they would have severely punished those people who did join themselves in such open opposition to the law.

10834. Then you think the gentlemen whose servants and smaller tenants were drawn in to join this mob, showed a false lenity in not discharging the persons who had so conducted themselves?—Indeed I do.

10835. And you think if at the commencement of this system of interference of the priests, they had taken a more energetic line of conduct, that the subsequent interference and power assumed by the priests would not have arisen to the height it has done in later years?—I am quite sure it would not.

10836. You spoke of the landlords not asserting their rights, and you mentioned their omission to assert their rights as an instance of foolish kindness; what right had the landlords of Carlow to assert in that case?—They had a right to keep

keep a servant or discharge him; to keep a tenant on their estates who was greatly in arrear, or to eject him.

10837. Then you seem to be of opinion, that if the body of the people interfere with respect to a question of tithes, that then it would be judicious on the part of the landlords to distrain all such tenants, and eject all such tenants as had been participators in such popular interpositions?—I have said no such thing.

10838. Then explain what you mean by the landlords asserting their rights with a view to the collection of tithe?—My idea is this: a landlord, like every body else, is bound to support the law; if he has a tenant who sets himself in violent and open opposition to the law, that landlord should show his displeasure to his tenant and support of the law.

10839. And you think it would be a judicious proceeding, with a view to the enforcing of tithe in Ireland, that the landlords should enter into a league to distrain and crush all such tenants of theirs as interfere?—I said that I would support the law.

10840. You have spoken of the rights of the landlord, what has the collection of tithe to do with the asserting of their rights?—I do not intend to mix the collection of tithes with their rights; I said the landlord has a right to eject a tenant who is greatly in his debt, and dismiss a servant.

10841. If one of your servants joined a club in the town of Carlow, and made himself notorious by taking a part in meetings which had for their object a contravention of the law, should you not conceive yourself, as a master and a landlord, justified in taking every step to get rid of such a servant and such a tenant?—I should consider myself acting very wrong if I did not.

10842. Then those are the rights to which you allude when you say the landlords did not assert their rights?—Yes.

10843. Did you mean to say that the landlords have a right to punish their tenants who may vote against them or their wishes at any election, provided such tenants have punctually paid their rents, and conducted themselves like quiet citizens?—Certainly not.

10844. Have you punished, or attempted to punish, any tenants of yours on your extensive estates who have punctually paid their rents to you, and who bear a good and peaceable character, because they may have voted against your wish at elections?—I took 17 acres of land from a man of the name of Keogh, under those circumstances.

10845. State the particulars?—Keogh came to me, and he stated that he was most anxious and ready and willing to support me, but that he had been threatened so severely, and he was in such danger, that he thought it was impossible he could support me; I then endeavoured to prevail on him to vote for me; he told me that he would rather lay at my mercy than at that of the other side. This man held 17 acres of bog land, not, as Mr. Maher says, that by way of cheapening other land that he held too high, but merely as a favour, and those were the 17 acres of land that I took from him.

10846. You have said that you had but two drivers; do you know whether Murray was employed by the person in your employment—whether he was the servant of your servant?—I do not know that he was.

10847. Do you believe he was?—I do not believe he was. It is very likely that Mr. Carey might have sent messages by him to the tenants.

10848. For the purpose of warning tenants?—It is very likely Mr. Carey might have sent such messages by him, and I believe he did.

10849. And Carey was himself a rent-warner?—No, he is my agent.

10850. You say you have but two drivers, who are they?—One's name is John Milay, and the other Griffith.

10851. But you think it likely that messages were sent by Murray?—It is very likely they were; he was a very officious person, and pretended to be a great friend, and was constantly coming backward and forward.

10852. This officiousness of his lasted for 12 years?—It is very likely.

10853. There was no interruption to his employment in bringing messages until this unfortunate incident of the election?—I do not know.

10854. By carrying messages, do you mean serving notices on the tenants to pay their rent?—I cannot pretend to say what employment Mr. Carey gave to that man.

10855. Do you admit that Murray was employed by you as a rent-warner?—No.

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10856. Do gentlemen of your very considerable property and high station in the county generally interfere with their agents with respect to the menials whom they are to employ?—No.

10857. Therefore it is not surprising you should not know all these small details of whether your agent Mr. Carey employed Murray in running messages or not?—Certainly not.

10858. It appears then that there was, at least between Carey, your agent and Murray, some connexion in reference to the collection of rent?—I dare say there was; I do not state it from my own knowledge; I believe there was.

10859. Have you the least doubt about it?—I believe he was.

10860. Now, in reference to the election, you felt displeasure at the conduct of Murray, and when about to discharge him, you claimed against him a large arrear of rent which had never before been demanded; is that so?—That is not the fact; the rent was only demanded from Murray.

10861. He had not paid rent for 12 years?—I do not say that—for a great number of years. I am cautious as to dates, because I cannot say how many years' rent the tenant owed.

10862. You said he was a tenant for 12 years?—Yes, I think he was.

10863. For how much ground?—That I really cannot say.

10864. Had he a lease?—Yes.

10865. Now, would you be able to inform the Committee of the different periods by reference to the book (for you seem to think this matter is not undeserving your attention, and a full investigation of the fact would not be inappropriate): would you be able, on an investigation of the books, to ascertain how much rent Murray had paid, and whether a large arrear was not demanded of him when he was discharged at the time of the election?—Yes, I am sure I could.

10866. Do you conceive that you or your agent made a demand for rent of Murray, at the time that he had excited your displeasure, different in items and amount than what you had made in the previous years?—No.

10867. You consider, therefore, that you did not surcharge Murray with any allowance that would have been given to him for his trouble as a runner or rent-warner, and that you did not accumulate on him, in consequence of your displeasure, charges, at the time you distrained on him, which you had never previously made against him?—I simply desired Mr. Carey to have an ejectment served on him if he did not pay his rent.

10868. Therefore, as a landlord you know nothing of the details which have been deposed to by Father Maher?—Nothing whatever.

10869. Was this case of Murray's one of those Father Maher brought forward against you on the hustings?—I think it was.

10870. Was it one of the cases to which you circumstantially replied in your speech?—I really cannot say that. The point on which Father Maher dwelt always with the greatest emphasis was the case of the widow Nolan; I remember all the particulars with respect to that.

10871. Do the Committee understand you that you give your assurance to this Committee, that as far as Murray's case is concerned, that you were not a party, directly or indirectly, in surcharging Murray's account when he had excited your displeasure, with items of charge which you had never made in previous years?—I simply desired Mr. Carey to eject Murray; I entered into no accounts of Murray's, I simply directed him to eject him.

10872. Did Murray ever come to you and complain of the account, or of the manner in which the account was made up by Mr. Carey as against you, and asking you to forego claims of allowance granted in previous years, and now for the first time brought forward against him?—I do not remember that Murray has ever made his appearance before me since; he has been acting as a determined enemy against me ever since, and I do not think he has ever made his appearance, nor do I remember ever seeing this charge in print of Murray's.

10873. If this charge now made by Father Maher in great detail against you had come to your knowledge while you were soliciting the suffrages of the county of Carlow, should you not have conceived it your business to take care that in ejecting the man for what you conceived to be his ingratitude towards you, that gross injustice at any rate was not committed against your tenant?—You must know, that Murray was ejected long before I heard this detailed account of Mr. Maher; nor did I ever hear it fully, to the best of my knowledge, until I heard it in this Committee-room here three days ago.

10874. After

10874. After the election you gave orders that Murray should be ejected in consequence of his conduct in reference to the election?—Yes.

10875. So that your agent Carey had absolute orders that that man should at all events be put out?—He had orders that he should pay his rent or be ejected.

10876. Then a question of course arose between Carey and Murray as to how much rent was due?—I cannot tell that; of course the account was settled.

10877. Did you ever look into that account?—Never.

10878. Did Murray ever complain to you that your account was unjust?—I do not remember that Murray has ever made his appearance since he has behaved so badly.

10879. Between you and Murray there was a feeling of animosity; Murray did not therefore apply to you; but, Colonel Bruen, do you believe that the account between you and Murray was not made the subject of public observation, and of remarks in print?—To speak the truth, there are so many falsehoods and so many calumnies spread against every gentleman in the county, that I really, after having taken the trouble to contradict the charges that are made in public, do not give myself much trouble in contradicting all such stories.

10880. Did you give yourself the trouble to investigate this matter in reference to Murray?—I did not; I desired Mr. Carey to have him ejected.

10881. You have already stated to the Committee that you were not aware, until three days ago, of the detailed charges brought forward against you by Father Maher?—No.

10882. Had you been aware of the detailed statement made by Father Maher before this Committee, would you not have taken pains to investigate the case of Murray, to set yourself right in the opinion of the public as respects the accusation of having done a most unjustifiable act?—If I had heard this account before, I should have known it was impossible to be true, because I know Murray was not employed by me at any salary.

10883. If you contradicted the charges, if they deserve the name, or the allegations made with respect to the widow Nolan, and contradicted them in a speech which it was afterwards thought judicious by you to publish and to circulate; if you took that course with respect to the widow Nolan, why was not the same course adopted with respect to Murray?—I neither directed my speech to be published, nor did I publish it; the speech appeared in the paper of the county.

10884. In a speech in public you adverted to this charge respecting the widow Nolan?—Yes.

10885. And afterwards your friends thought it right, in your vindication, to publish that speech?—It appeared in the county paper.

10886. The Reverend Mr. Maher, after you delivered that speech, published a letter to meet your defence, if it may so be called; to that letter you gave no answer?—No, nor did I ever read it.

10887. You thought, in fact, this charge was so little deserving of regard, that you did not take the trouble of reading the accusation?—I did not take the trouble of reading his letter, having before denied it.

10888. It does not appear whether you denied the allegation with respect to Murray or not, does it?—I cannot charge my memory at this time, whether before my speech the charge was made in detail; I think it was very likely Mr. Maher may have adverted to Murray.

10889. Did you hear Mr. Maher state, that he had published the details of Murray's case as matter of imputation against you, and that you had not replied to his letter on the subject?—No, I think he said "the widow Nolan's case," that was the case he always dwelt on most.

10890. It appears that Mr. Maher says in his evidence before this Committee, "Previous to the election in 1832, William Murray, of Ballankiller, a tenant of Colonel Bruen, was canvassed by Colonel Bruen for his vote; Murray replied, "that he would vote for him as his landlord." He then demanded his second vote for Mr. Kavanagh, the second candidate, the father-in-law of Colonel Bruen; Murray replied, "that he would reserve to himself the right of disposing at least of one vote. He was treated contemptuously in consequence of this answer by Colonel Bruen, and insulted; the man retired from the election, and did not vote at all. Shortly after the election of 1832, Murray, who acted as rent-warner to Colonel Bruen, was dismissed his employment of rent-warner. He had a very laborious duty to perform; to come on an average twice a week from his own

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house to Colonel Bruen's office, a distance of about seven miles; he was charged with the care of trees growing upon that part of the estate; he had to take care of the game, and to attend Colonel Bruen or any of his friends who had liberty to shoot over the lands; in truth, the man's whole time was taken up in his service, and he was dismissed the service after eight years, and told to return in a few days afterwards to settle his account of rent. When he returned the account was handed to him, and it appeared from the account that Murray owed an arrear of about 36*l.* Murray denied the debt, asserting that he had by service (for he was allowed 10*l.* a year, and only 10*l.* for the laborious service of rent-warner) that he had paid his rent by service and by cash, but only received an acknowledgment on account; that is the way Colonel Bruen has of managing his affairs. "I shall allow you," replied the agent, "but five guineas a year as rent-warner." The man refused a settlement on these terms, and went home. In a few days afterwards he was served with an ejectment for an arrear of 80*l.*, withdrawing the allowance even of five guineas; the agent compelled Murray to pay it in 1833, thus depriving him of the full wages of eight years. Murray took no steps to recover the debt due to him as servant to Colonel Bruen; he has stated on oath, the motives and the reasons which induced him to adopt such a course were these: first, his unwillingness to have any litigation with a wealthy landlord or with a gentleman who, through his interest with the sub-sheriff and magistrates of the county, could have a jury as he pleased to find against him. The facts I am now stating I have stated before in open court, Colonel Bruen standing by, and they have never been contradicted." You have just heard the evidence read to you which was given by the Reverend Mr. Maher on this transaction, will you have the goodness to state in what particular that evidence is defective, or at variance with the truth?—I think it is false from the beginning to the end.

10891. Is it false that Father Maher made this statement at the hustings?—That statement never was made at the hustings.

10892. Nor in open court?—Nor in open court.

10893. What was said in open court?—I do not remember any thing of the kind being stated in open court. The principal of Father Maher's charge at the election was the widow Nolan's case; he made allusion to several others.

10894. Was Murray your gamekeeper?—No.

10895. Was he not in the habit of attending you and your friends when you went out shooting?—I do not think I ever went there shooting in my life.

10896. These facts are stated by Father Maher as being part of the duties which Murray performed for you as his landlord; do you recollect that Murray ever acted as your gamekeeper; or that when your friends were going out to shoot that he attended them?—I do not think I ever was on the land shooting in my life; nor am I aware of having given any order to any friend to go there.

10897. Did he, however, act as your gamekeeper?—Every tenant on the estate has had directions to preserve the game on the land.

10898. Is he your gamekeeper more than any other individual?—No.

10899. Does he look after your trees in that part of the estate?—As far as I recollect there are but three old trees on that detached part of the property; and at some old well where miracles were performed long ago.

10900. Is he the preserver of any plantations there?—There are none to preserve.

10901. And therefore he did not act as the preserver of your plantations?—He did not; there are, I think, but three old trees on the whole of that property; there are young trees of four, five or six years' growth planted round the ditches and gardens of the tenants there; but there is no occasion to have any person to take care of them; the tenants best do that.

10902. Murray does not take care of these trees, or look after them in any way?—He does not.

10903. You said, the whole of the statement of Maher was false; do you mean the principal features alleged against you are not sustained by the fact?—Yes.

10904. Is it true, that previous to the election of 1832 you applied to Murray for his vote?—I applied to him in common with all the others.

10905. Did he promise to give you his vote?—He promised to vote for me.

10906. Did you ask for his second vote for Mr. Kavanagh?—I did, and made the same request of all the tenants.

10907. Did he say he would vote for you as his landlord, but he reserved his other vote to be used by himself?—He said no such thing.

10908. Did

10908. Did he promise to vote for you?—He did.

10909. Not contented with asking the vote of the tenant for yourself, you asked it for your friend Mr. Kavanagh?—Yes.

10910. Did he refuse to give the vote for Mr. Kavanagh?—He did not.

10911. Are you positive that he did not intimate to you an objection to vote for Mr. Kavanagh, although he made a promise to vote for yourself?—This is some years ago, he and all the tenants came to me. I asked them to support me and Mr. Kavanagh, and they all with one consent promised to do so.

10912. Did they make no objection to vote for Mr. Kavanagh?—None at that time that I remember.

10913. Did not Murray state to you a disinclination to vote for Mr. Kavanagh?—No, he did not, not one word; on the contrary, Murray pretended, as I mentioned before, to be my particular friend, and he afterwards was found out to be a very great enemy, and endeavoured to induce all the other tenants to break their promise to me.

10914. These refractory tenants promised to vote for Mr. Kavanagh?—Yes.

10915. Did Murray, before the election, ever qualify those promises?—No.

10916. Did he apply to you before the election for liberty to vote against Mr. Kavanagh?—No.

10917. Did he vote at the election for Mr. Kavanagh?—I do not think he voted at all at that election.

10918. Did he give a distinct promise to Kavanagh, or did he assent with the rest of the tenants?—With the rest of the tenants; they all came to me together.

10919. This having occurred in 1832, is it possible you may not make a mistake with regard to what you say as to Murray?—I do not think I can, because it strikes me particularly about Murray, as he acted so treacherously. I fully understood that he and all the other tenants agreed to vote.

10920. And yet Murray did not vote against you?—No.

10921. He did not vote at all?—He did not.

10922. You merely recollect Murray was among the crowd of your tenants who acceded to your desire; you do not recollect any specific engagement which he entered into?—Murray and all the other tenants came to me together in 1832.

10923. And after the election you gave directions that this man should be ejected?—I did, unless he paid his rent.

10924. He was in the employment of your agent?—I have already said it is very likely that he was.

10925. So that the statement, that he was at all events employed in reference to your business, whether by yourself or not, is not quite unfounded?—It is very possible he might.

10926. Did you inquire from your agent as to the exact nature and extent of the service performed by Murray, in connexion with the collection of your rents?—I never did.

10927. So that in fact you do not know the precise limits of the employment of Murray?—Clearly not.

10928. So that for aught you know—you having already stated in fact you were ignorant of the individuals who are employed by your agents—you are not aware as to whether the duty which he was employed in was laborious or perfectly insignificant?—I can tell in some particulars whether it could be or not.

10929. Do you know whether it was true that he was obliged to go twice a week to the office, seven miles off?—I am sure it is impossible.

10930. Do you believe he ever did so?—I cannot tell how often; I am sure he could not have occasion to go twice a week. Supposing he was a driver, he would not have had such a duty as that to perform. This is a detached part of the estate, otherwise there would be no pretence for his saying he was employed as a driver.

10931. Do you conceive that if Murray was really employed by your agent, you having already intimated that you do not interfere with respect to the individuals employed, that Murray ought to be dismissed without being paid?—If he was employed by the agent, he certainly should pay him.

10932. Do you mean the agent should pay him?—Yes.

10933. Do you know whether Murray was paid or not?—I do not.

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10934. Do you know whether the credit claimed by Murray on account of his services was ever allowed to be set off against the rent?—I never heard of the credit claimed.

10935. Do you know who the person was that was employed by Carey to take care of the game?—I do not believe that he employed any body.

10936. You do not know whether Murray was employed or not to take care of the game?—I do not know; I am almost certain that he could not be any more than any other tenant.

10937. How many years was he employed by Carey?—I do not know.

10938. If he was a regular employed driver by Carey, would you not have known it?—I should.

10939. It is stated in the evidence of Mr. Maher, that when Murray returned to the agent, an account was handed to him, and from it it appeared that Murray owed an arrear of about 36 *l.*; it is stated Murray denied the debt, stating, "He had by service paid his rent; for that he was allowed 10*l.* a year, and only 10*l.*, for the laborious services of rent-warner"—do you know whether that is true or not?—It cannot be true.

10940. First, do you know whether by the account it appeared Murray owed 36 *l.*?—I do not.

10941. Secondly, do you know whether Murray insisted on these credits?—I do not.

10942. Do you know whether Carey allowed him 10*l.* a year, or what he allowed him?—I do not know; but I think it very improbable, because Carey would have made some such a charge if he had, and he has done no such thing; and I know it is impossible, as he would be afraid to make such a charge.

10943. Would it appear by Carey's own book what allowance was made to Murray?—I cannot tell.

10944. If it was charged against you, would it not appear?—It would, in my book.

10945. If he was an authorized driver, would it not appear?—Certainly.

10946. Murray paid no rent for a great number of years?—No.

10947. He was not only your tenant, but in the employment of your agent?—I cannot tell that. As I have already said, I believe it is possible he might have been; there are a great number of tenants on the estate that are likewise employed by the agent in carrying messages and doing other things.

10948. Do you know whether against the rent which was incurred for a great number of years, the salary of Murray was set off or not?—It was not in any account that I ever got.

10949. May I ask whether, as a man of very large fortune in that county, you investigate your accounts with such minuteness as to know whether against a rent or any other sum, a salary of 10*l.* a year was set off?—I am sure it was not.

10950. Do you know what the rent was?—I do not.

10951. You do not know what the rent was, or what the salary was, that was payable to Murray?—I am sure there was no salary payable to him, as far as I was concerned; I never paid it; I have my accounts regularly sent in every half year, and in not one of those accounts has any such charge been made.

10952. Is it a fact that you, seeing these accounts for every half year for eight years, seeing this man in arrear for every half year for eight years, yet made no inquiry why it was not paid up?—I did, and made repeated orders for application to be made to him for payment; he, in common with other tenants, owed a great deal of rent, and a great many years' rent.

10953. Would you, Colonel Bruen, had your agent admitted in his account (to a man you were about to eject, and to punish for his treacherous conduct towards you) five guineas as a proper sum for the services performed to him by Murray, have been the party to refuse those five guineas a year, and, instead of a balance against Murray of 36*l.*, have withdrawn that allowance of five guineas a year, which was admitted, and have brought in a balance against him of 80*l.*; would you have been a party to any thing so unjust as that?—No, I should not.

10954. Would you have given him credit for the five guineas under such circumstances?—I would have given credit to every man for every farthing that is due.

10955. Are you aware whether your agent said "I will allow to Murray only five guineas a year?"—I am not.

10956. You

10956. You do not know what happened between Murray and your agent?—I do not, indeed.

10957. Did you ever ask your agent whether he had ever allowed him any thing for his services, whatever they were?—I did not.

10958. You really do not know at this moment whether Murray has been paid or not by your agent?—I do not, nor do I believe he ought to be paid any thing.

10959. Not by your agent?—Certainly not.

10960. No matter how he was employed?—No matter how he could be employed by him, because I look on it there was no necessity to employ him as a driver.

10961. Do you think if Murray was not paid by you, he ought to be paid by the agent?—He could not by me, I never employed him.

10962. Ought he not to have been paid by the agent, if not by you?—If the agent employed him, he certainly should pay him what was right.

10963. Here, however, is Murray ejected on account of the election, claiming as an allowance a credit on account of his services; that fact is stated in public; that fact by you is never contradicted in print?—I will not say whether it is or not, I refer to the speech for what things I contradicted there; if Mr. Maher stated that in court, I contradicted it in court; the matter was not stated in this way, if it was stated at all; the widow Nolan's case was the one on which he always insisted, and as to which I always turned my attention.

10964. This is a case where it appears a man was ejected after a large arrear of rent had been allowed to accrue; ejected for political reasons, and where the man insisted that he ought to get credit for services performed; and the case that is now made by you is that he ought to be paid not by you but by your agent who employed him, is that so?—Certainly not by me, as I never employed him.

10965. Do you not admit, if any thing was due to the man, he ought to have been paid by your agent?—Certainly.

10966. Did you ever ask your agent whether he had paid him that which you now seem to feel that he ought to have paid him?—If he employed him, he ought to have paid him.

10967. Do you not believe he employed him?—I have already said I think it very likely.

10968. Did you take the trouble, believing he had employed him, to ask whether your tenant, ejected under these circumstances, was paid by your agent?—No, I did not; if these charges were made at all they were made in January; I came over here immediately after January, and here I have been, with the exception of the late election, ever since, and I have had no time to make inquiries into these matters.

10969. This was in 1832?—I do not think it was.

10970. If services had been performed for eight years by Murray for Mr. Carey, and those five guineas had been admitted when the account was about to be settled, and an ejectment carried into execution by Carey, would not such a recognition of the services performed by Murray to Carey have laid the foundation for a legal demand on the part of Murray, and is not Father Maher, from his influence in the town of Carlow, that description of person who would have protected and supported your tenant Murray in a just charge of five guineas a year, recognized by the agent as being his due in the first instance, but which was afterwards alleged most unjustly to have been withdrawn, and do you not think if the ejectment took place for a political offence, that Father Maher would have supported the claim of this tenant of yours, Murray?—I am quite sure he would.

10971. Has Father Maher ever taken any steps in a court of justice to assist this individual, or has Murray himself taken any steps?—Not that I am aware of.

10972. Is Father Maher a person likely, if so good a case as that of Murray presented itself, to have undertaken the defence of your tenant Murray, and to have shown you and your agent up to the public for the commission of so unjust and unpopular an Act?—I am very sure if Murray had the least legal claim on me that Father Maher would have been the very person to have brought it forward, and have supported it at any expense.

10973. Father Maher is a priest, with about 70 *l.* a year?—So he says.

10974. And Murray has made an affidavit, in which he states that in consequence of your great wealth and his great poverty, he does not enter into litigation with you?—It is so.

10975. And do you think that Father Maher has such vast pecuniary resources that

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that he is enabled to sue any landlord in Carlow?—I think he has unlimited command of money.

10976. Do you not know the question for the jury would have been whether you or your agent was liable?—I do not know.

10977. Is not that the case you make now, that you were not originally responsible, but if Murray was employed, the agent was responsible?—That might have been the case.

10978. Would not that have been the case made at the trial?—I cannot say.

10979. Did not you admit, you do not know whether your tenant, whom you believe was employed by your agent, ever was paid by your agent?—I have said so.

10980. Was not Murray obliged to pay 80*l.*, the amount of the ejectment?—He was obliged to pay whatever rent was due.

10981. And that consisted of an arrear of 12 years?—I do not know.

10982. You come here most properly to defend yourself against an allegation preferred in a Committee of the House of Commons by a Roman Catholic clergyman, which allegation is principally founded on an account; you never saw the account, you do not know any thing about the items of the account, and you never had a conversation with your agent respecting the account?—This matter I heard the day before yesterday, and by what means I can furnish myself with accounts or dates or inquiries, I am at a loss to conceive.

10983. But you have heard the evidence of Mr. Maher, by which it appears that he stated all this in open court?—I do not believe a word of it.

10984. Will you mention what it was he stated?—I have repeatedly said the principal charge against me was as to the widow Nolan; he made several other charges likewise, and this might have been one for what I know; he made several other charges, not one of which were true; I contented myself with denying what appeared to me the charge into which he went most minutely, and I have heard nothing of it from that time until a day or two ago.

10985. Can you be able to furnish this Committee with any statement from your agent that can throw light on this transaction?—No doubt of it.

10986. Will you be so good as to do so?—Yes.

10987. Colonel Bruen, it is stated by Mr. Maher that he published the details of this transaction, you do not know whether he did or not?—No.

10988. You held his statements in such disregard that you did not take the trouble of reading them?—After having replied, as I believed, to all the statements he made in public, in a satisfactory way, as I conceived, and in a way that could not be doubted or denied, I paid no further regard to what he said.

10989. You do not recollect whether you ever gave any answer to the matter respecting Murray, do you?—I do not; and when I say that I wish to confine myself to the fact as much as possible, it is possible I may have done so; and if so it will appear in the speech. I did not conceive it was of the importance that attaches to it, but I confined myself as nearly as possible to the case of the widow Nolan.

10990. Did you at the time when you ordered the ejectment of Murray, or at any time, have you since ascertained the amount of the charge for arrears of rent, which were made against Murray on your account?—No further than seeing it in the general account.

10991. Can you state as a fact, whether it was 36*l.* or 80*l.*?—I really cannot; I have not the books here.

10992. You have seen the charge?—I have seen Murray's charge for rent.

10993. Can the agent's account be produced?—Yes.

10994. If your agent had employed the man in any capacity under him at a regular salary, would not that salary have appeared in your accounts?—Certainly.

10995. Did any such sum ever appear in your accounts?—Never.

10996. Then when you said your agent might have employed him, did you mean more than this—that your agent may have given him occasional employment, as is often done to persons who are without employment about a gentleman's place, and therefore that you did not trouble yourself in inquiring into the account of this man as a regular employed servant?—I was perfectly convinced he was not a regular employed servant.

10997. What distance does he live from your place?—About seven miles.

10998. Is

10998. Is it one of the grounds of your stating his not being employed to your knowledge, that you never made inquiry into the fact?—Yes.

10999. Would you have allowed the five guineas if your agent had employed him?—I have two regular drivers on the estate; if my agent thinks proper to employ other drivers, I am not responsible for it.

11000. It has been observed that Father Maher could not be so influential a person as you have described, because he is an individual having only 70 *l.* or 80 *l.* a year; the Committee wish to know whether Father Maher does not live with the bishop of that diocese?—I really cannot tell any thing about Father Maher in that way; I do not know what his resources or what his means may be; he lives I believe with the bishop; I pass by the house when I go into Carlow, and I see him there.

11001. If he lives with the bishop, he is at no expense for board and food?—I have no idea.

11002. Are there instances of priests in that county receiving large incomes and being rich?—As far as public report goes, there are very rich priests there: there was a Mr. Prendergast, of Bagnall's Town, and he has the credit, by public report, of having amassed from 20,000 *l.* to 30,000 *l.*; how true it may be, I do not know.

11003. Are the priests of that county persons who take a great part in elections?—Very active.

11004. Has that been the case with Father Maher?—Very much so.

11005. Does he personally canvass freeholders for the county and burgesses for the town?—I believe so.

11006. Do you know of any instances in which he has interfered?—The thing is notorious; he has exerted himself most zealously and strenuously.

11007. Is he a person who would in general, from his influence in that part of the country, protect an unfortunate man who might be harassed by a landlord, or against whom injustice might be practised?—If the man voted the way he wished, I think he would go any length to protect him from the effects of that vote.

11008. You have heard the case of Leach stated by Father Maher to the Committee, should you conceive that if Leach was the victim of a conspiracy to ruin him, or to raise heavy penalties against him, as was alleged to have been the case, should you have conceived Father Maher would not have interfered to have protected this individual before the petty sessions?—I am sure he would.

11009. Did you ever hear that he had so done in the case of Leach?—I never heard of the case until the other day.

11010. Do you know Mr. Fishbourne, the magistrate?—I do.

11011. Is he a gentleman of respectability and character?—Great.

11012. Would he, do you think, commit any act so unbecoming his duty as a magistrate, as to enter into a conspiracy, first, to tamper with a freeholder, and then to sit on the judges' bench and give heavy damages against that individual?—I am sure he would not.

11013. Is Mr. Dowling a man of respectability in Carlow?—I am sure he is.

11014. What is his occupation in life?—He keeps a shop in the town.

11015. What kind?—I declare I do not know.

11016. You know the individual, do you?—I believe what Mr. Maher states of him is the fact, that he sells leather.

11017. What character does the excise officer, Mr. Jones, bear, is that a respectable character?—It is only very lately I have seen Mr. Jones; he appears to be a very respectable man.

11018. Has not the widow paid up to the time she was ejected a high rent for the land?—That is matter of opinion as to high rent; she did not pay the rent she ought to pay.

11019. What was the amount of her rent?—I cannot say; I cannot carry it in my memory.

11020. Do you know when her lease was made?—Mr. Maher says it was made 30 years ago; I do not know the exact date.

11021. Did she pay a less rent than that at which you let the land after you took it from her?—I really cannot tell that either. I let the land for 40*s.* per acre; what she paid I do not recollect.

11022. Did she pay less than she stipulated to pay?—Yes.

11023. Does the new tenant pay less than she did?—Not knowing the rent of the

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the old lease, I cannot say. The new tenant pays 40*s.* an acre; I do not know whether she paid more or not.

11024. She was removed because she did not pay the rent stipulated for by the lease, but not because she paid a rent below the value of the land; is that so?—That is matter of opinion; she was ejected because she did not pay her rent.

11025. Can you inform me whether your new tenant pays you an additional rent?—I cannot inform you what the old rent was, I can only inform you what the new rent is.

11026. Did you make any abatement to the widow Nolan before the expiration of the lease?—No.

11027. Did you ever receive rent at an abated rate from her?—I cannot answer to what the agent did. I believe he received the rent as she chose to give it.

11028. Do you know whether there was any entry in a book kept by the agent as to the rate she should be charged?—I do not know.

11029. Do you know whether a receipt in full was given to her?—I cannot say.

11030. Are you aware whether your agent stated to this woman that the ejectment was brought in consequence of her brother-in-law not having voted according to your wish?—I am not aware, and do not believe it.

11031. Did you ever ask your agent whether such a thing had been stated?—I never heard it that I recollect until this moment.

11032. You have heard about the case of the widow Nolan before?—Yes, a hundred times.

11033. Then, having heard the case of the widow Nolan, did you never converse with your agent on the subject?—I never heard as to this particular point now charged.

11034. Are you quite positive that your motives in the ejectment of this woman was because she was not an eligible tenant, and did not do full justice to your farm and your land in your estimation, and that there was no personal or electioneering motive that induced you to cause her to be ejected?—I am quite sure of it, and I was not aware until this moment that Nolan ever did vote against me, and I have strong reasons to think he never did, because he held a farm of mine in another place.

11035. Do you consider the widow Nolan was a tenant so adverse in her mode of managing her farm to your interest, and so irregular in her payments, that you were justified, without any personal motives, in removing her from the farm?—Certainly.

11036. Are you able to state any payments?—No, how is it possible I can?

11037. Do you know Mr. Singleton?—Yes.

11038. Do you believe Mr. Singleton to be a gentleman who, by his conduct in his public capacity in that county, merits the respect of the gentlemen as well as of the people at large?—I do.

11039. Do you recollect the circumstance of Mr. Singleton having made an apology to Father Maher?—I do.

11040. Will you be so good as to inform the Committee whether Mr. Singleton was not, on the occasion alluded to, employed by the magistrates to obtain information of a woman named M'Carthy, and whether Mr. Singleton did not act in that transaction by the authority of the magistrates?—Certainly he did.

11041. Did Mr. Singleton state, that according to the evidence of the woman M'Carthy, that she had given information of a particular kind necessary to the question before the magistrates, and that subsequently Mr. Singleton informed the magistrates by whom he was employed that the woman M'Carthy had in all probability been spoken to by Father Maher, because he found the evidence of the woman was no longer such as he in the first instance had reason to believe it to be?—As well as I recollect, something came out on a trial in which a woman deposed that Mr. Maher abused her grossly in the street, said she was an informer and a devil from hell, or something of that sort; that is what the woman stated; she was either an Orange woman, or something of the sort—an informer, and that no one should keep company with her. This was what was stated to us on the bench. It appeared that she had given information in the Queen's County, and by her evidence some men had been transported; she had been obliged to leave the county in consequence, and had come into Carlow for protection. The magistrates thought it a very singular thing she should be treated in this way by Mr. Maher. They then directed an investigation into the subject, and this woman having

having before given evidence before Mr. Singleton, the officer of police, by whose means the men had been convicted, the magistrates thought as he knew her that he would be a proper person to obtain the whole information with respect to the affair, and the thing was postponed for a week. In the meantime, I think this woman deposed to Mr. Singleton that Mr. Maher had sent for her to the chapel to prevent her giving evidence in the case, and Mr. Singleton thought it his duty (I believe I was not present on the second occasion) to state these facts to the court. That was the way in which the transaction commenced.

11042. Did the woman, after she had seen Father Maher within the chapel, give Mr. Singleton reason to think that her evidence would differ from that which Mr. Singleton had reason to believe she would have given previously to her conversation with Father Maher?—That I believe was the impression on Mr. Singleton's mind; but I was not in the court the second day when he stated all these facts to the bench; I was only there the first day.

11043. Had you any conversation with Mr. Singleton after this transaction?—Yes.

11044. Did you, as a magistrate, advise him, if he consulted you, to make the apology to Father Maher rather than incur the risk of having this woman's evidence brought against him, after she had seen Father Maher in the chapel?—I recommended him to withdraw the charge.

11045. You were one of the magistrates who recommended him to make that apology?—Yes.

11046. Did you consider Mr. Singleton's conduct in that transaction was, in any shape, unworthy conduct?—By no means; very much the contrary; very much to his credit.

11047. You think, therefore, that Mr. Singleton was actuated in making this apology to Father Maher from a fear that the woman, although her evidence in the first instance had been that which he had informed the magistrates of, would, after the interview with Father Maher, have so materially have differed as to put him in the wrong; and that therefore it was a safer and a more prudent line for him, when his conduct was brought before the notice of the Government, rather to make an apology than run the risk of having this woman give evidence different from that which she would otherwise have given, had she not seen Father Maher?—Yes.

11048. That is your impression?—That was my impression.

11049. Are you aware whether this became a subject of correspondence with the Government?—I understand it did.

11050. Did you see that correspondence?—I think not; I did not.

11051. You therefore are of opinion, from what you know of the case, Mr. Singleton, in the first instance, undertook this investigation by desire of the magistrates; that he honestly conducted it to its termination; and that he was induced to make the apology from a sense of prudence, and under the advice of the magistrates themselves?—I do believe so.

11052. Did not the Government send down a person to investigate this matter?—I believe they did.

11053. Are you not perfectly certain of it?—Yes, I saw him.

11054. Did you communicate with the person sent down by the Government the advice you had given to Mr. Singleton?—I think not; I do not remember doing so.

11055. So, without communicating with the person employed by the Government to investigate this matter, you found the investigation going on; and advised Singleton to make an apology, and to state that which was not exactly in accordance with Singleton's own views or your own on the subject?—By no means.

11056. Was not the apology a retractation?—I do not remember the words of the apology, really; the foundation of the apology was the insecurity on which Mr. Singleton stood from that woman; he did not know, nor could any body tell what she might unsay of what she had previously stated.

11057. This view of insecurity did not occur to you until after the investigation was adopted?—There was no investigation.

11058. But after a person was sent down to investigate?—It was.

11059. So Singleton, a magistrate, makes a charge; the person against whom he makes the charge calls for investigation; he is a priest; the Government send down a person to investigate; you, finding the person is sent down to investigate,

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and thinking Singleton may get into a scrape, advise him to make an apology to the priest, in his capacity as a public functionary; is not that so?—That is your version of the case.

11060. What is yours?—I have already explained it, in answer to previous questions.

11061. In what respect does the version put by the Honourable Member differ from your own account of the transaction?—It would be too much to call on me at once to point out all the differences.

11062. Did you not consider that the influence of the priest, having sent for this woman to the chapel, was such that it would have been unavailing on the part of Mr. Singleton to have attempted to make good his words on the evidence of that woman, after she had been communicated with by Father Maher?—I do think Mr. Singleton could not have relied on her, adhering to the evidence she had given him before.

11063. Do you not consider that it was most difficult to keep a witness to a deposition formerly given by her, after the priest may have communicated with that witness on a point where her own conduct was in question?—I should look upon it to be almost impossible.

11064. Was it not after the priest had seen the woman, and that Mr. Singleton had also communicated with the woman that he persisted in bringing his charge against Father Maher?—It was. I will explain; the circumstance on which the charge was founded came out in the court the day I was there; Mr. Singleton was directed to investigate it; in the interim between the first and second meeting of the magistrates, Mr. Singleton did investigate; in that interim Mr. Maher is charged with having tampered with that witness.

11065. Did it appear in open court that, instead of Father Maher sending for the woman, that she herself had come of her own accord, and obtruded herself upon him?—I do not believe any such thing.

11066. Was it stated in open court to that effect by Father Maher?—I never heard it.

11067. The question refers to what took place on the second day?—I cannot say; I was not there on the second day.

Mercurii, 5° die Augusti, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *Thomas Harris Carroll,* called in; and Examined.

11068. WHERE do you live, and what are you?—I live at Carlow, and am editor of the Carlow Sentinel.

11069. Were you present during the proceedings of the election which took place in 1830 at Carlow?—I was in Carlow in 1830.

11070. What was the intimidation practised on the freeholders at that period; were they forced and brought up in bodies against their wish, or by what means were they intimidated in your opinion on that occasion?—On that occasion Sir John Milley Doyle and Mr. Blackney were candidates for the representation of the county, also Colonel Bruen and Mr. Kavanagh. Large bodies of men assembled about 15 days before the election; for the first time I recollect in that county, they canvassed the freeholders in large bodies. I went to Borris in my official capacity as public journalist, and I saw a number of Mr. Kavanagh's freeholders in a boat; I heard they were captured by a body of men in the barony of St. Mullins. I went down, and I saw Mr. Cloney, commonly called General Cloney, and the Rev. Mr. Doyle, of Graigue, and a great number of persons on horseback, and a great number on foot, and the freeholders in a boat, and they were guarded at both sides of the river Barrow. I waited at the bridge called Balliteglea, and saw the freeholders there. On arriving in Carlow I saw one of the freeholders in the interest of Mr. Kavanagh who was not captured, and he told me he saw all the people take away the freeholders, and when they returned to Carlow, such was the state of intimidation in the county, the contest was at an end.

11071. Were these men, freeholders of Colonel Bruen and Mr. Kavanagh, in this

this boat by their own consent and free will, or were they coerced?—They were taken away by force; I saw them in the boat.

11072. Was Father Doyle in the boat with them?—He was on horseback on the bank with them.

11073. Any other priest?—There was Father Walsh, who, I regret to say, is no more.

11074. Was he in the boat?—He was on horseback also.

11075. Did it appear to you these two priests had the management and control of the mob which was on each side guarding this boat with the freeholders?—Undoubtedly they had.

11076. Did they by act or word appear to you to actually control them?—They did. I rode a good way with them, and I remonstrated with them on the impropriety of their conduct.

11077. Did you ever hear from Mr. Kavanagh himself that his freeholders on that occasion were in this boat, not by their own free consent, but coerced by intimidation and the interference of the priests?—Most of his electors told me so afterwards. I have an extensive intercourse with that tenantry, many of whom subsequently informed me they were taken by force, and that a large party of men came from the county of Wexford and from Graigue, who seized on them and took them away.

11078. The result of that intimidation, and the novel mode of proceeding of going round to canvass in large bodies of people, was the cause why the contest was obliged to be given up in 1830?—It was.

11079. So that by that system of intimidation, headed and supported and encouraged by the priests, the freedom of election on that occasion was prevented?—There was not a single gentleman that appeared in the streets who was not hooted, and many of them were afraid to leave their own home, and one of them, a Mr. Henry Waters, went to Dublin at the time.

11080. Do you mean to say he went to Dublin because he was afraid to remain at Carlow?—So I heard. I do not mean to say he was altogether in dread; he was very much so.

11081. This system was the first instance that you recollect of large mobs thus going about headed by priests?—It was.

11082. Did you yourself know of threats of destruction being held out to those who opposed them at that time?—As to 1830, I do not recollect any particular instance.

11083. Did you attend the election at Carlow in 1832?—I did.

11084. What took place previous to that election?—Previous to that election it was reported to me that most of the clergy were preaching from the altars, and endeavouring to induce the people not to vote for Colonel Bruen and Mr. Kavanagh. I despatched reporters in various directions, and I went myself to Carlow chapel—I sat in the gallery of the chapel, and I heard Mr. O'Connell, who is now a parish priest at Portarlington, who was then parish priest at Carlow, under the bishop, speak to the assembled multitude, and tell them—it was on a Sunday—that as they were seeking for their rights, they could not do better than employ themselves in hunting the freeholders on that day; and he concluded by stating, "if any person inquires of you what you are about, say you are hunting corn-creaks," a species of bird.

11085. Have you any doubt of the accuracy of what you heard on that occasion from Father O'Connell?—I took down his words verbatim.

11086. Did the people in consequence of that advice go round in 1832 and intimidate the voters?—I saw them go round through Tynziland, Mr. Tyrrell's parish, among Colonel Bruen's tenantry, and they canvassed each voter in very large bodies.

11087. When you say large bodies, what number would be in each body?—I suppose 200, some 150; they divided into bodies, 50 in one, 80 in another, 150 in another; in this manner they went through and canvassed the freeholders of that parish.

11088. Did parties ever go round at night as well as in the day?—They did.

11089. Did they put the freeholders living in lonely houses, when so visited, in bodily fear of the consequences if they did not vote according to their wish?—In great bodily fear; I recollect perfectly the barony of St. Mullins previous to this was very peaceable; several speeches were delivered in Borris chapel, at which I attended also.

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11090. How do you know they went round at night in bodies visiting the electors?—I cannot say personally, but I will give circumstantial evidence of that fact. Every Friday morning I am in the habit of applying at the police office to receive the reports of the chief constables, forwarded to the sub-inspector, Captain Battersby. I always publish any outrages that take place; they are a copy of the reports sent to Government. I also visited several of the tenantry myself, and found that on one occasion a man was attacked, his geese were shot by an armed party convenient to his house; they rapped at his door and told him if he did not vote for Blackney and Wallace to mark the consequences, that he would be shot himself. They shot the geese in one instance outside the door, and from seeing the reports, as well as from the information of the electors, I published the whole of the outrages. Such are the reasons why I conceive they went round at night at that time, controlling the barony of St. Mullins, and preventing the electors from voting for Mr. Kavanagh.

11091. You have no doubt they did, acting in your capacity of obtaining information for the public, go round at night?—If I can believe any moral evidence, I have no doubt of it; I firmly believe it. I beg to add that many of those men that I questioned on the subject begged of me not to publish any thing at all, they were so much in dread of having it reported; that their houses were attacked; such was the state of the county owing to lawless intimidation in 1832.

11092. So that these men, who themselves gave you information, were in many instances so alarmed at their names being brought forward as informers, that they begged and entreated you not to publish them?—Indeed they did, many of them.

11093. What did you hear in the chapel of Borris during the election?—I received a note from Mr. Bate, Mr. Bruen's law agent, stating that Mr. Kavanagh wished my attendance at Borris chapel on the Sunday following, that was the Sunday previous to the election, and I attended the Borris chapel on that occasion as reporter.

11094. Do you write short-hand?—I do.

11095. State what took place on that occasion?—It was after mass that a meeting took place on the altar; Father Walsh, who is now dead, was in the chair, and Father John Walsh, senior, was also present, and a Mr. Lawrence Nolan, of that parish, was secretary. After some preliminary observations from the old priest, the Reverend Mr. Walsh, and after a long speech, in which he attacked some of the freeholders, he said, "that any person who signified his intention of voting for Mr. Kavanagh had ceased to be a member of his church—of the Roman Catholic church—and was delivered over to Satan; and such as were present he called on them to quit the chapel for fear of polluting the people, who should not eat, drink or sleep with them; even their wives should abandon the apostates who would in the face of their God vote for Mr. Kavanagh, and Bruen, who was an Orangeman; the curse of the Almighty would fall on them in this world, while with the mark of Cain on their foreheads they would go down to the grave for betraying their religion and country; any man who voted for Kavanagh and Bruen would be refused all religious rites, and would run the risk of everlasting punishment." That was the conclusion of the Reverend Mr. Walsh's, senior, address. The Reverend John Walsh, junior, said, "I view with detestation and horror the wretches who will vote for Bruen and Kavanagh, who is himself an apostate; we have appointed men to represent us in Parliament, and any man who will vote against us will have ample cause to regret it. No man can be a Catholic who would do so in opposition to the wishes of their clergy; my good people, mark the recreants, and take care how you deal with them. They are blind apostates who will do so, and I hope the people will know how to treat them. Their votes belong to their country, let them mark the consequence who dare betray it; I will not be answerable for their safety." That was the conclusion of Mr. Walsh's address.

11096. Did any body else harangue the people whose speeches you took down on that occasion?—No; Mr. Nolan made some observations, but they were of no importance, and I did not take them down. I reported this that evening to Mr. Kavanagh, and read some of the notes to him, and also took down verbatim the proceedings at the election of 1832, and in case of the petition proceeding was to give evidence.

11097. Are you so satisfied of the accuracy of the notes you took that if you had been called before a court of justice, or before any election committee, to depose to their accuracy on your oath, do you think that you safely and conscientiously could have sworn to the accuracy of the notes?—I could declare on my oath that I never,

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in a court of justice or in a chapel, or any other place, took down any single note that I could not safely depose to as having been spoken, nor would I publish that which I did not believe to be true.

11098. Are you satisfied, in your own mind, the statement you have given to the Committee of the words used by those two Roman Catholic priests, is a correct version of what took place?—It is precisely taken down as correctly as any man could possibly do so.

11099. Did you communicate this same statement to Mr. Kavanagh immediately after it took place?—In less than an hour, I waited on Mr. Kavanagh at his own house.

11100. And are you satisfied those words you have read to the Committee were embodied in the election petition, and would have become evidence had that petition gone on and been the subject of investigation?—I am aware the terms of intimidation used by the Roman Catholic clergymen were embodied in a petition in general terms; I am aware that it was the intention to prove these facts.

11101. Were you summoned in 1832, as regards that election, as a witness to depose to those facts?—I was not, for this reason, that they intended first to go on the scrutiny; afterwards on the intimidation; and if the question was entertained before the Committee, it was the intention of the friends of Colonel Bruen to summon me.

11102. That course was not pursued?—No.

11103. You were not summoned?—I was not summoned; the petition, I believe, was given up altogether.

11104. They would not go into a scrutiny, on which they deliberated; and they determined not to go into the question of intimidation?—The petition went on two grounds; the first was the state of the register and scrutiny; the second on the ground of intimidation; if the scrutiny was not granted it was intended to go on the question of intimidation; that is what I understood.

11105. But no committee took place?—The committee did take place; there was a petition, but they conceived, I believe, that the committee was unfavourable, as their application was rejected.

11106. They did not go into the question of intimidation at all?—No.

11107. Was there a committee balloted for?—Yes, I think so; I beg to say, as well as I recollect now, it was their intention to petition, and I think they did petition.

11108. In what state was the parish of Borris and that neighbourhood after these harangues of the two Father Walsh's?—A system of exclusive dealing immediately took place, and one man, named Patrick Byrne, who lives in Borris, a respectable Roman Catholic, told me himself that the priest, Father Walsh, senior, told persons not to deal with him, he was a baker, and he was seriously injured; and expecting to be called on myself by the Committee, I got him to sign a document to that effect, which document I have not about me at present.

11109. Did Father Maher take any part in that election at Carlow in 1832?—A very active part.

11110. State what part?—There was a meeting held at Hanlan Inn, in the town of Carlow, previous to the election; Mr. Vigors was in the chair; Mr. Blackney and Mr. Wallace were proposed to the electors, and it was on that occasion it was determined that they should stand. At the close of the meeting a Mr. Carter proposed that they should go canvassing the town of Carlow for Mr. Vigors, who was then a candidate for the representation of the borough.

11111. Did Father Maher go round from house to house to canvass?—He was the leader; and he was accompanied by a great multitude of persons of the lower classes of the town and county.

11112. What should you say were the numbers that accompanied him?—I should suppose there could not be less than one hundred.

11113. One hundred persons of the lower orders, with the priests at their head, went round from house to house to canvass the voters for the borough?—They did; I accompanied them; there are a great many of my friends who are Roman Catholics, and they were very independent men, and I was determined to proceed after Father Maher, lest my friends should be intimidated, whom I knew were in the interest of Mr. Francis Bruen; he came to a man, named James Butler's house, that was the first house I came up with the party. Mr. Maher entered and asked him for whom he voted; his wife made answer for Mr. Francis Bruen, that he could not break his word, and should not.

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11114. Is Mr. Butler a Roman Catholic?—A Roman Catholic, and keeps a woollen draper's shop. I was on one side of the party at the time Mr. Maher stood at one counter, and I near the door; he turned round to the people, who were all surrounding the door, waiting to hear the announcement of the priest as to what the answer of Mr. Butler was; and he said, "Mark this house, the grass will grow at his doors; he says he will vote against his country."

11115. Now, those words, from your residence in that part of the country, have a strong meaning, have they not; do they mean that this individual is to be marked out so far to the vengeance of the people that they are to hold no dealings with him?—Every man was in fear of his life at that time; they have a meaning, and the populace perfectly understood the words, for, in about two minutes afterwards, Butler's window was broken in; that, I should suppose, was the effect of what had been stated.

11116. Was Father Maher near the house at the time the windows were broken?—I dare say he was in the centre of the crowd at the time.

11117. Did you hear him use any expostulation with the mob on breaking the windows?—Not a word; he went on to the next house.

11118. Was the next house any distance?—About 30 perches off—to Mr. Banks, a Protestant.

11119. Did Mr. Maher come back to the house of Butler and expostulate with those who broke his windows?—He did not; they went to Mr. Banks' house

11120. What took place there?—I cannot say what language was used, but this I can say, that Mr. Banks' windows were broken on the departure of Father Maher.

11121. How did Mr. Banks afterwards vote?—For Mr. Francis Bruen.

11122. Then do you consider the answer to Father Maher must have been an unsatisfactory answer, and that he had his windows broken in the same way as Mr. Butler?—That is the inference I drew.

11123. Did Father Maher interpose his good offices to prevent Mr. Banks' windows from being broken?—Not at all. Mr. George Faircloth's was the next house that the windows were broken; he is a painter and glazier. The next house was a Roman Catholic's, named John Cullen, an innkeeper; his house was attacked on that occasion; his windows were not broken.

11124. What was the attack?—I will explain; I will state what he told me two days afterwards; he told me that Mr. Blackney and Mr. Maher, and a large party, came to him to canvass him for Mr. Vigors, and he refused, saying he had promised Mr. Bruen; he then told me the mob became perfectly riotous outside the door, and demanded to pull him out; they rushed into the front door, into the parlour on the inside, and they declared their determination to pull him out; he turned round and asked Mr. Blackney "Did they intend to kill him?" and Mr. Blackney, he told me, interposed his offices, and begged of the people to be quiet and to retire from the house; and he said, only for that, he thought he would have been pulled out and beaten by the multitude.

11125. Did you ask him whether Father Maher had interposed his good offices?—I cannot say; I am not perfectly certain whether Mr. Maher interposed at all; I am not sure that Mr. Maher was with that party at Cullen's house; I know Mr. Maher was at Faircloth's, Banks' and Butler's, but I cannot say that Father Maher was at Cullen's on the occasion, but I should suppose he was, because he was with the party moving on.

11126. So that you conceive at that election in 1832, that Father Maher, living in the Catholic Bishop's house, as he does, headed a mob which went round from house to house canvassing, and that he used expressions calculated to intimidate, and when violence did take place, that he did not interpose, as far as you saw, to prevent such violence being perpetrated?—I neither saw nor heard that he ever interfered on those occasions.

11127. It is stated that Father Maher never interfered in politics; have you ever had occasion to know whether Father Maher is a writer in any of the public papers, or that he takes any active part in the publications of the day?—I suspect Mr. Maher does so, but never could prove it against him; other clergymen have done so of that parish, I have only heard that it is so of him; I do believe it myself, but I cannot state it as a fact before this Committee.

11128. Were threatening letters sent to the freeholders of the county to caution them against voting for Colonel Bruen and Mr. Kavanagh in 1832?—I heard so very generally, but I saw but one myself.

11129. What

11129. What was that one that you saw?—It was one to a Mr. Francis Malcomson, a respectable apothecary in Bagnalstown.

11130. When was the letter sent?—Subsequent to a meeting held at the chapel.

11131. What chapel?—The chapel of Bagnalstown.

11132. What was the nature of the letter?—The nature of the letter was, "if he voted for Bruen and Kavanagh, that he may be certain that his life would be endangered."

11133. Did that influence his vote?—No, he voted independently for Colonel Bruen and Mr. Kavanagh.

11134. Did any consequences follow from it?—A few nights afterwards, on returning from the house of a Mrs. Hogg, where he visited a sick child, he was knocked down near Bagnalstown by three men—a pistol placed to his head—the trigger pulled, but it missed fire, and they were proceeding to murder him, when the noise of a car prevented them; they took and threw him into the river, from which he fortunately escaped, although taken down by the flood a considerable distance; he providentially reached the bank; he was some time unwell. The gentlemen of the county on that occasion offered a large reward, and I have a copy of the proclamation.

11135. State the proclamation, and the nature of the reward?—"County Carlow. Attempt to assassinate; 585*l.* reward. Whereas on the night of Sunday the 30th December last, Mr. Francis Malcomson was waylaid and attacked near Bagnalstown by three men, one of whom knocked him down, when another, almost at the same instant, snapped a pistol at him, which missed fire; they then threw him into the river Barrow, from whence, after struggling for some time, he gained the beach, and through Providence saved himself."

11136. Did that surgeon and the gentry of the county attribute the attempt made against his life to the speech or the sermon that had been preached at the chapel at Bagenalstown the previous Sunday?—Most unquestionably.

11137. Who was the priest that preached that sermon?—The Rev. Mr. Phelan; I heard so; I was not present; a very violent speech was attributed to him by the public on that occasion, but I have no cognizance of it myself. I beg to observe Mr. Malcomson told me, when he produced me the private threatening letter he got, that it was in consequence of Father Phelan's sermon, because it was the morning following the evening of the sermon that he got the note.

11138. Of what religion is Mr. Malcomson?—He is a Protestant.

11139. Then the impression on his mind and on yours, and on the gentry who took part on that occasion to discover the assassins was, that this violence was attributable to the inflammatory harangue made on the previous Sunday by Father Phelan?—There was not a man who heard it in the county that did not believe it, it was the impression of all the persons in the county that I spoke to.

11140. Does Father Phelan take an active part in politics?—Always.

11141. In what way?—By making public speeches at public meetings, bringing in freeholders to register, and at elections leading them himself in person. I have seen him at different elections attending the booths.

11142. Were you on the hustings during the election of 1832?—I was.

11143. Did you attend for the purpose of taking down what passed?—Yes.

11144. Did Father Maher deliver a speech on that occasion?—He did.

11145. And what was the nature of his language?—He delivered a speech—he spoke for nearly two hours, and the whole purport of his speech was an attack on Colonel Bruen, who was one of the candidates; he charged Colonel Bruen with dispossessing a woman named Nolan, a widow, and he attacked him in a most violent manner for nearly an hour and a half, and he concluded his speech by the following language:—"All who vote at this election, of the Catholic religion, will vote for Wallace and Blackney. We will take our stand here daily in our capacity as priests, and we will know the name of the man who will vote against us; we will watch the recreant until he goes to the grave—yes! upon the Catholic slave we will set a mark, who will vote against God and his country."

11146. Now, are you sure that that language took place, did you take it down at the time in writing?—I took it down at the time in short-hand.

11147. Was that language so violent in the opinion of those who were near you that they rose up to request the interference of any person in authority?—Yes, the high sheriff was to my right hand; there was Colonel Bruen's party to the left, and the other party to the right, several gentlemen of the county rose immediately and

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and cried out against this terrific system of intimidation in the presence of the assessor, Mr. Tomb.

11148. Who is Mr. Tomb?—He is assistant barrister of the county of Wicklow; Colonel Bruen rose and called for protection from the assessor; the assessor rose immediately, and said, that if Mr. Maher made use of such language again he would be under the necessity of committing him. Both parties made a rush at each other; the whole court-house was thrown into the greatest confusion; such uproar I never witnessed in all my life, and I have attended meetings for 10 years in every part of Ireland.

11149. Did Father Maher on that occasion, after the tumult had subsided, retract the words he had used, or did he make any explanation of them?—No; I will state what he did; he retired after having made the speech, and he attempted to come back, but the uproar and confusion was so great there were cries of "Off! off!" and "Turn him out!" so that he could not make the explanation, such was the outcry against him.

11150. Was this violent language of his reported at the time, in 1832?—It was; I published it in print, and I dare say it was published in every paper in the empire; at least, it was in such papers as I exchange with.

11151. Did Father Maher ever deny the accuracy of that statement?—Never, that I heard of, nor was it denied in the paper, which I conceive is under his own control.

11152. You are positive he never denied the statement in print?—I am positive he never denied the statement in any paper that I ever saw, and I read almost all the Dublin papers, many of the London and the Carlow papers regularly.

11153. Did you ever hear that Mr. Tomb, or any other gentleman who might have read that statement in print, ever doubted the accuracy of that statement so reported by you?—It was impossible he could; the language was used in the presence of every gentleman of the county and hundreds of people, who could bear testimony to the fact.

11154. Is the Committee to understand from you that you are satisfied of the accuracy of the words which you have given to the Committee; that you printed this statement at the time; that it was believed to be accurate by those who attended the meeting; that it was never contradicted by Father Maher, either on the hustings or in the paper under his control, and that you never heard, until you came to London, of any positive contradiction made by Father Maher to that statement?—Never; I am as satisfied that he used those words as I am of my own existence.

11155. Would you, if you were on your oath, depose to the accuracy of those words?—Most positively; I state no fact that I am not ready to make oath of, and I can bring other witnesses, if necessary, to prove many of the facts I state.

11156. Could any of the gentlemen who were present vouch for the accuracy of your statement?—Unquestionably.

11157. Would Mr. Tomb, the assessor?—I am quite sure he would.

11158. You say Mr. Tomb, the assessor, was present on that occasion?—He was.

11159. And is connected in a legal capacity with the county of Wicklow, is he not?—Yes.

11160. What?—He is the assistant barrister of the county of Wicklow.

11161. What was the conduct of the priests in the booths on that occasion?—Many of the electors did not know who they were to vote for; Mr. Wallace being a perfect stranger, they were obliged to put placards up to point the attention of the electors to the candidates when they would come on the hustings; when they could not recollect the names, every priest in the county were scattered through the booths, and they would point the attention of the electors to the placard on the wall, and I have seen many of them in the booths, particularly Father Phelan and Father O'Connell, making unseemly gestures towards those who voted against them, if they were Roman Catholic electors. On many occasions, I know the deputy sheriff threatened to call the attention of the high sheriff to their conduct in the booths.

11162. The conduct of the priests was so active in their interference and so marked, that it called forth the attention of individuals, who brought the notice of the sheriff to it?—Yes; I was myself in almost every booth during the contest.

11163. At the borough election in 1832, when Mr. Vigors was the candidate, were

were the electors allowed to vote freely that wished to vote for Mr. Francis Bruen?—They were not.

11164. Explain how they were not allowed to do so?—Towards the close of the evening of the first day there was one of the most desperate riots took place in the booth I ever witnessed. A respectable man named John Dowling came up on the table, who is a Roman Catholic; Mr. Francis Bruen was on one side; Mr. Vigors and Mr. Blackney, the returning officer, Mr. Fishbourne and Colonel Bruen, were present. We brought this gentleman out of the committee-room; he got on the table to vote; one of Mr. Vigors's friends laid hold of him by the skirt of the coat, and was going to pull him off the table. It was dusk, in the evening. A simultaneous rush took place on the table—one party to hold him to vote, another party endeavouring to pull him off the table; several persons fell; bludgeons and sticks were raised; the police were called in to quell the riot, and Colonel Bruen rushed on the table; there was only one candle lit at the time; the policemen had fixed bayonets, and he was afraid somebody would be hurt; he begged for the people to be quiet; order was restored, and the elector voted for Mr. Francis Bruen.

11165. Did the priests make religion the ground-work of their opposition to the two candidates, Bruen and Kavanagh, or what was the alleged ground on which they attempted to influence the voters?—On the ground, if they did not vote for Mr. Vigors, in accordance with the wishes of the clergy, that they would be voting in direct opposition to the interests of their country and religion.

11166. But you are sure they threatened them, as in the sermons to which you have deposed and the harangues, with the consequences which would attend them, if they voted against their religion and against their duty as good Catholics?—Yes; the general principle they maintained was, that no Roman Catholic could vote in opposition to their wishes.

11167. Were you present at the election of 1835?—I was.

11168. Who were the candidates on that occasion?—On the first election of January 1835 they were Mr. Maurice O'Connell (although he was returned for Tralee four days before he was set up for Carlow) and Mr. Michael Cahill, and Colonel Bruen and Mr. Kavanagh.

11169. Several speeches were delivered from the hustings on that occasion; did the priests deliver any speeches on that occasion from the hustings?—Yes, Father Tyrrel and Father Maher.

11170. State the tenor of the language which they used in those speeches?—Father Maher made the first speech, and it was exactly as in the year 1832, a most violent attack on Colonel Bruen; Mr. Tyrrel did the same.

11171. What was the nature of those attacks, his misconduct as a landlord, or his violence, or what?—His misconduct as a landlord was the alleged charge against him, although he had replied to every charge made in 1832 most satisfactorily.

11172. Did he on that occasion accuse him of great severity and harshness towards a tenant of his of the name of Widow Nolan?—The very same that he did in 1832, he reiterated that charge; I do not recollect he made any other.

11173. Now did Colonel Bruen, on that occasion, vindicate himself from the charge which Father Maher brought against him, by entering into the particulars of the case of the widow Nolan, showing that he, Colonel Bruen, was not actuated by any vindictive motives on account of the way in which any relation of hers might have voted; and did he in the course of his explanation state that his motives were the irregularities of his tenant, and the necessity of obtaining his rent?—He did not make that explanation on that occasion, but before, at the election of 1832; the charge he made in January 1835 was the very same as the charge he made in January 1832, and on that occasion Colonel Bruen rose and spoke for an hour and a half; I reported his speech. Father Maher charged him with ejecting the woman; to this Colonel Bruen stated that she owed him upwards of four years rent; that so long as her children were young he never molested her; that he came to her when he found his land uncultivated and she unable to pay rent or cultivate the land, and he offered to forgive her all the rent and a sum of money due previously, and to give her all the stock—every thing that was upon the land, and for her to give up the farm; and he gave her 40 *l.* to provide for herself; that was the reply stated.

11174. Now was this explanation of Colonel Bruen's given in your paper in print?—It was given and circulated in handbills to the amount of perhaps 2,000;

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given in print; copied into various papers in Dublin and in the face of the assembled county.

11175. Then you consider that Colonel Bruen did, on that occasion, reply circumstantially to the accusation made by Father Maher against him, as far as regards the widow Nolan?—It was the most circumstantial reply I ever heard, and quite satisfactory to his own tenants throughout the county.

11176. Could you produce any one of those handbills, or the paper in which that circumstantial denial is given?—I dare say I could.

11177. Will you endeavour to produce that reported speech of Colonel Bruen's, or one of the handbills circulated in the county, either by sending to Ireland for it, or if possible obtaining it in this town?—I shall.

11178. You have however no doubt as to the fact that Colonel Bruen did make this detailed explanation?—I wrote it all down myself; as to the report, I have no doubt of its accuracy.

11179. Do you recollect whether Colonel Bruen on that occasion denied another accusation made by Father Maher against him, on account of his treatment of a man of the name of Murray?—I really do not recollect that Father Maher made such a charge on that occasion.

11180. Will you be so good as to make the inquiry as regards the case of a tenant of Colonel Bruen of the name of Murray?—I shall.

11181. Do you know any thing of an alleged conversation which passed between Father Maher, in the chapel, and a Roman Catholic lady of the name of Burgess, and state what you know of the whole transaction?—Yes; I was in my room, exceedingly unwell, on a Sunday, and Mr. Burgess called on me accompanied by a Mr. Edward Dowling, a Catholic gentleman; Mr. Burgess told me that Mrs. Burgess, his wife, complained to him of the interference of Mr. Maher with her in the chapel, or in the vestry-room of the chapel; that she was very indignant, and so much so that she could not take the sacrament in consequence of the uneasiness of her mind, and he asked me what had he best do? "I see no course for you to pursue," said I, "but to write to the bishop complaining of the conduct of Mr. Maher." He did write the letter to the bishop while I was sitting by, and I have a copy of the letter.

11182. Was the Catholic person present at the time that letter was written?—He was.

11183. Did he concur with you in the propriety of Mr. Burgess addressing the bishop?—Unquestionably.

11184. Read the letter to the Committee which Mr. Burgess wrote?—This is the copy:—"Carlow, 4, Montgomery-street, 28th December 1834.—My Lord, On my return home on last Wednesday evening, from Dublin, I was not a little astonished to have learned from Mrs. Burgess that immediately after having attended her confessional duties on that day, and while praying at the altar, a woman called to her and informed her that the Rev. James Maher wished to speak with her in the vestry-room, if she were Mrs. Burgess; supposing, as she told me, that the call was made to attend to some religious duty, she immediately waited on Mr. Maher, and having sat with him for a time, she discovered to her surprise that the object of Mr. Maher's interview was not connected with religion but with politics. As it is unnecessary to enter into any lengthened detail of the particulars of the conversation which ensued, it is sufficient to say he used every means to induce her to exert her influence with me to violate my word of honour as a gentleman, solemnly pledged to Mr. Bruen, and to vote for Mr. Vigors, a gentleman to whom, either on public or private grounds, I am under no obligation. I have to inform you further, that I am a member of the church of England, educated in that communion, and a graduate of a Protestant university; but from the earliest period of my life I have been from principle tolerant, and in marrying a Roman Catholic lady I never directly nor indirectly interfered with her religious principles, as her friends and those who are acquainted with me can bear testimony to. I have, however, too much common sense to permit any reverend gentleman to exert any undue influence over any member of my family: I conceive religion and politics are opposite terms, and it strikes me, when a clergyman forgets himself as a religious pastor, becomes a politician, regardless of the important duties appertaining to his sacred profession, and labours, for political purposes, to fling the torch of discord in a family, thereby endangering the peace and domestic happiness of same—such clergyman obviously acts on a principle calculated to injure the interests

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terests of religion, and not likely to promote his political objects. I regret being under the necessity of trespassing upon your attention upon so disagreeable a topic; but I feel anxious to ascertain whether or not Mr. Maher had any authority from your lordship for thus (as I think unwarrantably) interfering with any member of my family, inasmuch as from Mrs. Burgess' state of mind after the interview she could not, as she stated to me, conscientiously proceed to take the sacrament on the day following this interview, as she had previously intended. I have the honour to remain, my lord, with great respect, your faithful, humble servant, John Hewitt Burgess." Addressed "To the Right Rev. Dr. Nolan, Roman Catholic Bishop of Leighlin and Ferns."—This is the bishop's reply.

11185. Read it?—" Braganza House, Dec. 19, 1834.—Dear Sir, I beg to inform you that I knew nothing of the transaction of which you complain until informed of it by your letter, which I had the honour to receive last night. As Mr. Maher is from home at present, I have no opportunity of having his explanation; but this I can safely say, that I am quite sure Mr. Maher would be exceedingly sorry to be the cause, even unintentionally, of the slightest disturbance in your family. I do not know why he considered it necessary to speak to Mrs. Burgess on political subjects at all, and of the selection of the occasion I certainly do not approve. However, I think you will agree with me, that I cannot and ought not to deny to Mr. Maher, as a Catholic clergyman and a subject of this diocese, the general right which every other man in the community possesses, of taking the part which the law allows in affairs of great public importance, in which the best and dearest interests, religious as well as political, of the people and the country are involved. I have the honour to remain, Sir, with great respect, your very obedient servant, E. Nolan." Addressed, " J. H. Burgess, esq."

11186. What did Mr. Burgess do after he received that letter from Dr. Nolan?—He waited on me, and told me that the Doctor's letter was any thing but satisfactory; and he told me he would withdraw the payment of any dues to the chapel.

11187. As that letter states that " Father Maher is not at home," did Mr. Burgess hear from Father Maher, or did Father Maher make, either to him or to Mrs. Burgess, any explanation of what had taken place in the chapel on the occasion when he sent for her to the vestry room?—I heard he waited on Mr. Burgess, but I am not aware of what took place.

11188. Can you say whether Mr. Burgess, after that interview with Father Maher, was satisfied that the whole transaction had been a proper one, or was he still dissatisfied with the transaction?—He was dissatisfied, to the very last moment, at Mr. Maher's conduct.

11189. Can you state, from any conversation which you yourself have held with Mr. Burgess subsequent to Father Maher's waiting on him, that he continued to be dissatisfied with the explanation that he had received from Father Maher?—Unquestionably so, from conversation subsequent to that period with himself and Mr. Dowling too.

11190. And have you had any conversation with Mr. Dowling on this transaction subsequent to Father Maher's visit of explanation to Mr. Burgess?—I had, in Mr. Burgess' own presence, and they both seemed very much dissatisfied with the explanation of Dr. Nolan, and with Mr. Maher's conduct all through.

11191. Did Burgess apply for a further explanation subsequently to the Bishop or to Maher?—I do not think he did.

11192. Then, if he was very much dissatisfied with the explanation which he got, and which was founded on the absence of Mr. Maher, when Mr. Maher returned did he, when he was still in that state of dissatisfaction, apply for a further explanation?—I do not think he did, as far as I could hear.

11193. But you are satisfied this Protestant gentleman, as well as his Catholic friend, Mr. Dowling, both considered that the explanation of Father Maher to Mr. Burgess had not been satisfactory?—I am quite satisfied of that, from conversation with them subsequently.

11194. Do you suppose he did not apply for further satisfaction from them, expecting it would not be satisfactory?—I considered that they thought it quite unnecessary, and that they would get no satisfaction.

11195. If a man applies for satisfaction in the first instance, and receives as an answer "the individual is not at home," do you not think it reasonable, when he returns, he should renew his application for it?—That may depend on circumstances; I could not give other than a general answer to that. Mr. Burgess might feel

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feel that it was the bishop's business to write him a letter when Mr. Maher came home.

11196. Do you not think Mr. Burgess would be a better witness respecting a transaction in which he and his wife were involved, than you, a stranger?—He would be a better witness as to this fact.

11197. Did you solicit this information from Burgess?—I can safely say on my oath I never heard of the matter until he came into the room and told me the transaction and asked my advice what he had best do.

11198. Has he ever denied to you the accuracy of the original information that he gave to you?—Never.

11199. So that you believe, as far as you can rely on Mr. Burgess, that Father Maher seeing a lady, Mr. Burgess's wife, at the altar, did send for her to the vestry room and then attempt to make her use her influence with her husband in order that he should violate his promise by voting for Mr. Vigors instead of voting for Mr. Bruen, to whom he had promised his vote?—I have no doubt whatever of the fact, and I will state my reason: Mr. Burgess subsequently called on me, and he begged of me, from the state of his wife's mind, and for fear there would be any disunion in the family, not to publish the transaction and the communication, and I did not. And his wife, Mrs. Burgess, sent me word on no account, if I consulted her feelings, to publish the transaction at all, and I did not do so.

11200. Did you dictate that letter that was written to the bishop?—I did not.

11201. Had you any hand in its composition at all?—I will tell you what Mr. Burgess asked me, when he had about half his letter written, he asked me "would it be well for him to allude to the fact that he was a Protestant, and that he wished to allow his wife all the privileges of her own religion?" "I think," said I, "it would be one of the best things to state that, although you are a Protestant, you allow your wife, a Catholic lady, to exercise uncontrolled her own religious principles."

11202. Although you did not publish the letters in the Journal, you publish them now before this Committee, do you not?—They were handed to me, and as I could identify the copy, and as I saw the transaction, I give them in before the Committee.

11203. Was not this transaction known to individuals in the town of Carlow?—Well known to the whole town.

11204. And therefore you are deposing to a fact which is well known to several individuals of the town, when called on to do so by a Committee of the House of Commons?—It is very well known in the town of Carlow.

11205. And therefore do you conceive you are now violating any promise you made; your promise having been not to publish these particulars in the Carlow paper?—Most unquestionably not.

11206. Did you not bring over the copies of the letters for the purpose of giving them in evidence?—I did not.

11207. Were they given to you here?—They were given to me here.

11208. Who gave you those letters?—Mr. Francis Bruen.

11209. Mr. Francis Bruen knew of the transaction?—Unquestionably he did.

11210. It was known to other individuals of the town?—Very many.

11211. And you are revealing no secret of confidence?—Not the slightest in the world; I did not even so much as expect on my coming here that I should be asked a question at all about it; the thing had passed away from my mind, and I did not think any more about it.

11212. If you had known you were to be examined on this question, you would have made a point of seeing Mr. Burgess?—Most unquestionably I would have announced to him if I were called on by the Committee to give an answer, I should do so, and I would trust he would conceive I was violating no principle of honour or justice with him.

11213. Is Mr. Burgess a respectable man?—He is a respectable solicitor.

11214. And a man incapable of telling you any transaction between him and his wife which should not be accurately true?—Certainly not; his wife's family are very respectable in the county.

11215. Wishing to live in harmony with Mrs. Burgess as his wife, do you think it possible he would have come to you to exaggerate any statement regarding the priest, Father Maher?—No, he was exceedingly nervous on the occasion, and greatly annoyed, that was the cause of it; they live very happily together, and he was greatly annoyed about it.

11216. Mr. and Mrs. Burgess are both very respectable persons?—Very respectable.

11217. Was Mrs. Burgess present at the time this conversation took place between you and Mr. Burgess?—No, she was not.

11218. This was Mr. Burgess's statement of the transaction, you did not hear Mrs. Burgess make any statement on the subject?—No.

11219. In truth, the circumstances in passing through the mind of Mr. Burgess the narrator, might have been coloured?—They might; I am not a judge of that

11220. Did you see in 1835, during the election, Father Maher canvassing actively for the liberal candidates?—I have seen him going from house to house, and I heard he asked many persons for their votes; that is for the election of January, I saw him running from booth to booth every day, and as actively employed as I was myself, and he was bringing up the freeholders to the tally-rooms.

11221. Who were the successful candidates at that election?—Colonel Bruen and Mr. Kavanagh.

11222. What followed their success at that election; were there any riots and violence?—Immediately at the close of the election, I regret to say, many circumstances took place in the county which were quite disgraceful. Every Roman Catholic who voted for Colonel Bruen and Mr. Kavanagh, and there are many such respectable Catholics in the county, on their appearance at the chapel as usual, great crowds collected and they were hooted and insulted and mud pelted at them. In many instances their jaunting cars were attacked with stones, and in other instances they were beaten in the chapels.

11223, This is a general statement—in how many chapels and in what chapels did this take place?—I will give them both from official documents and from the prosecutions which I took down afterwards. In the Carlow chapel there was the case of a Mrs. Butler.

11224. Were you present?—No; but I will state a circumstance which informs me of the subject. I saw Mrs. Butler on that Sunday morning and her dress was greatly soiled from gutter thrown at her; she was leaning on the arm of Mr. Thomas Finn, who tendered her his protection, and I saw a great crowd following, hooting, and abusing her in every possible way; Mr. Finn gave her his arm and went to protect her home to her house.

11225. Is this Mrs. Butler a Roman Catholic?—She is.

11226. Is she the wife of the person whose windows were broken in 1832 in consequence of her husband refusing to vote for Mr. Vigors?—She is the same.

11227. Was she in great alarm?—Very greatly alarmed; she said she had a very narrow escape, and I waited on her at her house afterwards to learn the circumstances that took place.

11228. Had any outrage been perpetrated within the chapel?—No.

11229. Was this in the chapel yard?—Yes; and through the street; Mr. Daniel O'Meara of the same town, and his son, were on that occasion pelted; they told me so subsequently; I did not see them; that was a fact well known to the whole town, and I believe the father took refuge in Mr. Patrick Finn's house from the fear of the mob that followed him—that is to the best of my recollection.

11230. So that the sanctity of having just left the house of prayer, and the sacred day being Sunday, did not protect these individuals, being Roman Catholics, from the violence of the mob, because they had exercised their franchise in the way they chose?—I regret to say the sanctity of that day was grossly outraged.

11231. You say outrages took place out of this chapel; do you know of any that took place in a chapel?—I do.

11232. Were you present?—No, but I will explain how I obtained my information; I will just pass over the places where the occurrences took place, of persons being insulted: Mr. Kinsilla was ill treated, and a Mr. Nolan's jaunting car had stones thrown at it. At Benekerry chapel, Mr. Luke Nolan, a very respectable freeholder of the county, was sitting in his gallery, a party rushed up stairs and dragged him out of his pew; his brother was with him, and he drew a knife to protect his brother, and some other persons interfered, and Mr. Nolan was obliged to leave the chapel and go home. He prosecuted several of the party, and I believe convicted one man, and another man quitted the country. He prosecuted them at the quarter sessions and detailed the facts.

11233. He obtained a conviction on one man, and the other man concerned quitted the country?—Yes; and some of the witnesses on that occasion were committed to prison whom it was supposed could identify the parties who were leading

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rioters, but they refused to give evidence, and they were committed at the first trial at the petty session before it came to the quarter sessions. In the same chapel, to the pew of a Mr. Timothy Gorman—that pew was broken to pieces and scattered about the chapel; and as to his brother, Mr. Edward Gorman, the caps were broken off his gates and strewed about the road at Ballinabrana chapel. A man named Patrick Neil, his pew was broken to pieces; he told me himself a part of the pew was set up in the form of a gallows near his own house. At the last assizes he received 10*l.* compensation for damages on the occasion; I was present at the application made to the judge; he deposed to the fact of the injury done to his pew, and he received 10*l.* I believe as compensation.

11234. With respect to Mr. Patrick Neil, what chapel does he attend?—A chapel called Ballinabrana, in the barony of Idrone West, as well as I recollect.

11235. Who is the priest of that chapel?—The Rev. Mr. Kehoe; that is a chapel within his parish.

11236. Do you recollect the sum that Mr. Patrick Neil claimed for the damage done to his pew?—He applied for 10*l.*, but whether the grand jury cut off any portion of that, I cannot say; the sum in his application I think was 10*l.*

11237. Do you know Mr. Patrick Neil?—I do very well.

11238. Do you consider it likely, from your knowledge of Patrick Neil, that he would himself during the night get in at the chapel window and break to pieces his own pew; hang it up in the form of a gallows with a coffin underneath it, near his own house, and act in such a manner in order to make it appear that his enemies had pursued him with this vindictive mode of holding him up to public execration?—It is unlikely; Mr. Neil is a respectable farmer; the chapel is a considerable distance from his house; there are houses between his house and the chapel; there is a chapel-keeper and the person who attends the place, and I would conceive it impossible he could do it.

11239. Do you think there is any thing like probability in the statement that a person of his character and station, and living at the distance you have mentioned from the chapel, with intervening houses, would have got through a window of the chapel in order to pull to pieces his own pew?—I do not think there is a respectable man in the county who would believe a word of it.

11240. If such had been deposed to be the suspicion as attached to Mr. Neil by a Roman Catholic clergyman, should you credit it for one instant?—No, I would not credit it. He is too respectable a man to do that, and he is too honest a man.

11241. From the construction of Roman Catholic chapels, is there much facility in getting in at a window and taking out a pew?—It would be possible, but I think it very difficult for any person to do so unless there were more than one engaged.

11242. This pew was taken, and a part hung up in the form of a gallows, and the remainder as a coffin?—So he told me.

11243. And therefore you do not credit any suspicions that might be attempted to be fixed on Mr. Patrick Neil, that he himself should have undertaken so unlikely a proceeding as having himself broken up and stolen his own pew?—I solemnly declare I do not believe a word of it. I know the independent Catholic farmers of that county well, and I know most of them to be as respectable and intelligent men as I know of in any county.

11244. If there had been any suspicion against Mr. Patrick Neil at the trial, do you think such a circumstance would not have been brought against him?—I have no doubt of it, because they traversed almost every presentment where damages had been done, and a very able counsel, a Mr. Griffith, was engaged against the petitioner, and I have no doubt he stated every thing in the way of suspicion he could in cross-examination of the witnesses.

11245. Do you recollect any other instance of outrage, such as beating Mulligan at Borris chapel?—I do.

11246. Were you present?—No; but I was present at two trials that took place in consequence, one in the month of February and one at the last quarter sessions.

11247. State what took place, according to the reports that you heard, during the time the trial went on?—Yes; from the report I published, it appears Mulligan went to mass as usual at Borris chapel, and when he got into a pew in the gallery there was a rush made up stairs, and he was dragged down forcibly and brought out into the chapel yard, gutter thrown on him, and he was stated by witnesses to have been very badly treated. Some of the labourers of Mr. Kavanagh, who were at mass at the same time, interfered, surrounded him, and brought him off.

11248. Did

11248. Did he prosecute those who had assaulted him subsequently?—He did.

11249. What took place on the trial?—A man named Ryan, a Catholic, a respectable man, deposed at the subsequent quarter sessions, on the trial of two men as being concerned in the riot, that Mr. Walsh, towards the last Gospel of the mass, turned round when there was commotion in the chapel on seeing Mulligan, and told them "to be quiet until mass was over;" and at the same time Father Walsh, senior, stated, before he turned round again to the altar, "You may spit upon them, push them, hoot them, throw gravel at them, without any violation of the law." On the first quarter sessions the jury did not agree as to a verdict, and they were arraigned last quarter session again; and another witness, named James Roach, a Roman Catholic, swore that he was at mass, and that he heard the priest say "They may push, they may hoot at them and may spit at them;" but did not hear the priest say any thing about the gravel.

11250. What was the verdict?—The verdict I believe was acquittal; but the jury were not very favourable.

11251. The two Roman Catholics, Roach and Ryan, both swore they heard these words uttered by the priest?—Yes; sworn in the presence of Mr. Robinson and the whole court. It was brought out very reluctantly from the witness Roach by one of the magistrates of the county. Colonel Bruen examined him, and on being questioned by Mr. Henry Waters and others on the bench, he acknowledged that he had heard those words.

11252. There is no doubt, however, of the assault having taken place in the presence of the priest?—Oh no; every witness proved the fact. The witnesses on the defence never denied its having taken place in the chapel.

11253. And yet there was an acquittal?—Yes, under the circumstances mentioned.

11254. The jury did not agree with you in the opinion you formed, as to the fact of the assault?—I will explain what it was; it was with regard to identity; the jury were of opinion the assault was committed; but it was with regard to the identity, they doubted of the prisoners being concerned in the riot.

11255. Was there a special finding by the jury, or was there a mere verdict of not guilty?—There was a special finding, to the best of my recollection.

11256. Was there a special finding?—There was a special finding, to the best of my recollection, in this way, that the parties not being fully identified, as having thrown the stones that were thrown, or being leaders in the riot, they were acquitted.

11257. Did you report the case?—I did.

11258. Have you got the paper where the report is?—I do not know that I have; I have others where similar convictions took place.

11259. Have you the paper to produce, in which you reported the case, and does that paper contain the special finding?—It does contain this; on the first occasion the jury did not agree to a verdict, and they were discharged; on the last quarter sessions the parties were acquitted; and the reason the parties were principally acquitted was, that the persons so charged could not be identified as the rioters; there were doubts on the minds of the jury of that, I understood.

11260. You were not on the jury? was there a special finding?—There was a general verdict of acquittal, and my impression was, and it was the impression of every person who was concerned on the occasion, that the jury were very unfavourable towards bringing those riots at all before the public.

11261. Were there any Protestants on the jury?—I believe, one or two.

11262. Were the majority of the jury Roman Catholics?—They were.

11263. Decidedly?—Decidedly.

11264. Can you obtain the verdict of the jury as given in, if you send to Ireland?—I dare say I can, by sending for the paper off the file.

11265. You state that Patrick Neil is in the habit of frequenting the chapel of which Father Kehoe is the parish priest, do you recollect any circumstance that occurred in which Father Kehoe had in his own house voters belonging to a Mr. Alexander, or to other individuals, previous to the election, and that he detained them in his house for a day or two?—I heard, and it was generally reported through the country, he kept them three or four days.

11266. What were their numbers reported to be?—I cannot be exactly accurate; some said twenty-five, others said thirty; I saw Mr. Kehoe with the tenantry bringing them in himself, he rode in a gig at the end of the procession, and they moved on towards the court-house.

11267. Have you any doubt of the fact, from its notoriety, and from the reports

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ports that were current at the time, that such was the case, that Father Kehoe had these individuals for two or three days in his house?—I have no doubt that they were there.

11268. And you saw Father Kehoe bring them to the hustings?—He came in with them, and they were proceeding before him.

11269. Have you heard of an harangue made by Father Kehoe in his chapel on Sunday the 14th of June?—I have.

11270. Have you read the publication of that speech or sermon of his?—I published it, and I read it previously.

11271. Were you, before you published it, satisfied that in general it was correct, and that you could offer it to the public as a correct version of what had passed?—May I state the reason why I considered so?

11272. State whether you are convinced of it first?—I am quite convinced of its accuracy; I would not publish it until I was quite convinced of it, and afterwards, until I found that the gentleman who furnished me with the speech guaranteed me against a prosecution, as it contained matter of such highly libellous nature.

11273. Who was the gentleman who guaranteed you that the address of Father Kehoe was correct, and that he would abide the consequences of your publication?—Mr. Alexander.

11274. Now state why you believe that that address of Father Kehoe is accurately detailed in the publication?—I will. When Mr. Alexander called at my office, I told Mr. Malcomson, the proprietor of the paper, that it was a most dangerous report, and very improper to publish if the priest had not delivered it; I said it would involve us in difficulties, and above all things not to publish it until Mr. Alexander would guarantee that it was correctly reported. Mr. Alexander came to the office and guaranteed us from all the consequences, and said it was correct; that the reporter was an English gentleman, connected with the Times newspaper, who had been formerly with the Sunday Times and Observer newspapers, and that he could prove the fact on oath, being an excellent reporter; under these circumstances, I published it; I first published what purported to be an harangue, without the priest's name—without the name of Mr. Alexander or Patrick Neil; I only gave it in general terms, as "The harangue of a Clergyman in the county of Carlow;" Mr. Alexander called again, and then I published the names of Mr. Alexander and Mr. Kehoe and Patrick Neil fully.

11275. So that the person who took this down in short-hand is a gentleman who has, previously to his being at Carlow, been employed as a short-hand writer to the public press in London?—Yes, he is an English gentleman, I am informed.

11276. Is he a person of such acquirements as to justify you in believing that a report of that speech is correct?—I never saw the gentleman; but I have no doubt of it; he is going to enter into holy orders in a few days, I understand.

11277. In which church?—In the Established Church.

11278. Is Mr. Alexander likely to incur the penalty of publishing what is very libellous and defamatory to the character of Father Kehoe, unless he believes that he has the means of proving the accuracy of the address?—I do not think he would publish it without that; he said he had a gentleman ready to prove it.

11279. When he came to your office, and asked to publish this, he told Mr. Malcomson he believed strictly in the accuracy of the address of Father Kehoe, and he would guarantee him from the consequences in case he should be attacked for the violence of the language of the publication?—He did.

11280. Did you publish it with Father Kehoe's name afterwards?—Yes.

11281. Was this gentleman who gave you the report employed at the time by the Times newspaper in Carlow?—No; I do not know any thing of that.

11282. Was he residing in the county of Carlow?—He was, I believe, on a visit in the county of Carlow.

11283. Had he been a reporter formerly?—Yes, as I have been informed.

11284. And was preparing to enter holy orders?—I believe that to be the case.

11285. And published what you yourself say to be libellous; do you say that gentleman going now into holy orders is the person who reported what you yourself acknowledge was a gross libel?—Allow me to explain; what I meant is this: it is usual with persons conducting the public press not to state any thing of any gentleman without its being founded on fact; if I published that, and Mr. Kehoe did not deliver it, I should be punished severely for publishing it; if Mr. Kehoe went to

prosecute me, this gentleman would come forwards to justify every particle of it, and to prove the fact, and it was under those circumstances I published it.

11286. The question infers that you have published that which you know to be a libel, inferring that it may not be true; you mean to say that you believe the address to be true; but that unless you were guaranteed, you would be attacked for a libel?—Unquestionably that is my meaning.

11287. Thinking it is so infamous a production?—Thinking it so inflammatory and so violent an attack on two or three persons in the county, I was afraid to publish any such thing, unless I was guaranteed of its accuracy.

11288. Did you ever see the person who furnished the report?—Never, to my recollection; Mr. Alexander was the person who came to my office.

11289. And therefore, giving evidence for the purpose of establishing the authenticity of this report, you refer to a person with whom your office has no sort of connexion?—Just so; I never had any communication directly or indirectly with him.

11290. Would not the person who took that report be a better witness than yourself?—Indeed he certainly would, as to this fact, and I understand he is in attendance. Mr. Francis Bruen declared, the other night, in reply to an honourable Member in the House, that this gentleman was prepared to come forwards to the bar of the House to prove it.

11291. Cast your eye over that paper, and state whether that printed letter is the same that you published in your paper?—[*Handing a printed Letter.*]—Yes; from what I have seen of it, it must be the very same; the letters were not printed by me; but that is the same as what appeared in the newspaper.

11292. Who is the reporter of that speech?—Of which speech?

11293. The alleged speech of Mr. Kehoe?—I do not know exactly his name; I made no particular inquiries with regard to the gentleman; Mr. Alexander having assured me of its correctness (who is a gentleman of property and a man of honour) I made no inquiry about it; I was particularly engaged in my own business; I could not go to see the reporter under any circumstances: but Mr. Alexander having guaranteed me as to its positive truth, I am satisfied it was correctly reported, and I published it.

11294. Have you a written guarantee?—No.

11295. What did Mr. Alexander tell you with reference to the guarantee?—When Mr. Alexander came, Mr. Malcomson stated to him, that we could not publish it, as our own reporter or myself were not present, and that it was so violent and defamatory, that the editor was afraid to publish it, unless he knew it was accurately reported, and he could prove it; he said "a first-rate reporter in London had reported it; that it was positively correct, and that he might publish it with safety," under the circumstances; whenever I find an accurately reported speech I publish it, and run the risk of consequences, by setting up a plea of truth to justify its publication.

11296. What did Mr. Alexander say to Mr. Malcomson?—He said, "it being true this speech was delivered, I will guarantee you against the consequences; the reporter will come forwards himself in person, and prove the facts in any plea of justification you may put in," and I rested satisfied with that from Mr. Alexander, being a gentleman of respectability, and I published that speech under those circumstances.

11297. Had you nothing in writing?—None.

11298. You are legally responsible, are you not?—I am; at least Mr. Malcomson is, who is the proprietor; I am editor, and I am obliged to do every thing myself to guard and protect him, as much as if I was legally responsible myself.

11299. Did you understand Mr. Alexander to give you a guarantee against any verdict or any pecuniary loss?—Yes, most undoubtedly; I will explain to the Committee: when a man's property is at stake, I inquire of a gentleman, under these circumstances, first, as to the truth of a document; secondly, in case a proceeding at law would be instituted, I require a gentleman to say, "I will bear you harmless."

11300. In writing?—I would do that if I did not rely on the gentleman's honour.

11301. You published in the first instance without names?—Yes.

11302. Was that after Mr. Malcomson had had this conversation with Mr. Alexander, or before?—It was before it.

11303. You published that in your newspaper after having received the guarantee from Mr. Alexander, with the names of the parties?—Precisely so; but I will

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state under what circumstances. The law of libel is so very indefinite that I never make a statement without I am individually certain of it. If I am the reporter myself I run all hazards of putting in a plea of justification of its truth. When Mr. Alexander came to Mr. Malcomson, and said, "You put in Father Kehoe's name, and my own, and Patrick Neil's name," then, under those circumstances, it is a document that will be fairly before the public as an authentic document. In that case, I said, "You should be obliged to prove all the facts first, and having proved its accuracy, if any thing ulterior should occur, you will protect the property."

11304. You published it without the names before you had this conversation with Mr. Alexander?—I did.

11305. From whose report did you publish it?—From the same report.

11306. From whom did you receive that report?—I will state. It was inclosed to me first without seeing Mr. Alexander at all. It was addressed to myself. I took the letter, not having any interview with Mr. Alexander or any person on the subject, and I perused it most minutely, and I omitted the name of Mr. Kehoe and the other persons, as I would not publish it with the names without Mr. Malcomson's having an interview with Mr. Alexander. I did that on my own responsibility in the first instance, but I took care not to do any thing that was illegal.

11307. From whom did you receive it?—From Mr. Alexander, directed to the office.

11308. Who did it come from the first time?—From Mr. Alexander.

11309. With any letter?—There was no private letter, only just he left a request at the office that it should be published.

11310. Having received it in that way from Mr. Alexander, you declined publishing it with the names until you had received his guarantee?—As to its truth first, because I was not present.

11311. You published first without any assurance?—Yes; but I protected the paper.

11312. You do not look to the truth, but to the protection of the paper?—I did at first, and in every instance.

11313. When you received the paper in the first instance, you received it with a verbal communication from Mr. Alexander, and you knew that paper came from him?—Most certainly.

11314. But not having had any conversation with him as to the truth of the contents of that paper, but knowing that it came from him, you published the paper without Father Kehoe's name and the other persons' names, by which it could be identified?—Undoubtedly, and I consulted the proprietor on the subject.

11315. Subsequently, when Mr. Alexander called on Mr. Malcomson and told him he had the means of proving the truth of the statement sent to you, you then, being guaranteed from the consequences of publishing that letter, and believing the truth of that address, you published it?—Yes; when I say *we*, as to the paper, I should say, Mr. Malcomson is the proprietor. When Mr. Malcomson handed me the document, he said he had received it from Mr. Alexander personally, that it was perfectly accurate; and I said, "although it may be perfectly accurate, I have had no interview with Mr. Alexander, and has Mr. Alexander given you a positive proof who his reporter was, and what he has done to get it correctly?" I said, "I should not like to do it without seeing him." Then it was I struck out the names. When Mr. Alexander said he was ready to produce his reporter, and that it was perfectly correct, and as to any pecuniary consequences that might follow in case of an action, I should be borne harmless, then it was published with the names. This is the paper: "Address of Father Kehoe to his congregation, from the altar of the Chapel at Leighlin Bridge, on Sunday the 14th of June.—Is there any one here who will barter his soul for his landlord? There is one wretch that has done so. Do you know who I mean? I mean Pat Neil, the hypocritical apostate lick-spittle, Pat Neil and his brother. [At these words there was great laughter and some groans.] This miscreant got 70*l.* a year for voting against his country, his religion and his God on the last election, and he now expects to have that increased to 150*l.*; besides, his landlord bribes him in every possible manner, and the base wretch, who once acknowledged that if he was a scholar he would be hanged, but he is no scholar, but the most ignorant brute in the country, now exults in being the lickspittle of his landlord. Now see how he makes his apostate gain; he has a horse worth 10*l.*, and gets 20*l.* for it, and so for every thing else. I say, Pat Neil, you are a detestable, hypocritical apostate lickspittle, a ruffian and a miscreant, to be held up by the finger to scorn and detestation and contempt; and what are you the

richer than any honest freeholder after all, when your debts are paid? [Here there were bursts of laughter.] About the oath you have to take at the election, boys, I want to speak a few words to you. [After reading the bribery oath, Father Kehoe dwelt on the word 'indirectly.'] Mark this, good people—'indirectly,' that is, if one gets leave to draw turf, is lent sacks, is taken into his landlord's employment, or other things of that kind, for his vote. Now this is the way Pat Neil is bribed by Alexander; he gets leave to take what land he likes, is made his process-server, his time-server, and his devils-server, and he (I mean Pat Neil) goes about to the other freeholders, striving to tempt them, as the devil tried to tempt the Saviour, and says, 'All these things will Alexander give you if you will worship him.' 'I expect,' says Pat Neil, 'to have a higher post after this election, for I will have 150*l.* a year, and then you may step into my present post.' Oh the wretch! But do not you barter your soul and sell your country, your religion and your God, for Alexander, or any other tyrannical landlord. Good people, I am told policemen come here; look out for them, and if you see any policemen here that are not Catholics, their only object must be to create a disturbance, therefore mark down their names, and I will soon take care that they shall not long have occasion to wear their green coats and black belts. [Here every eye was directed up to the gallery and along the seats for several minutes.] About these policemen do you know? I suppose you do not, but I will tell you. There are 375 chiefs among them, receiving from 500*l.* to 1,500*l.* a year each. And how many of these chiefs are Catholics? Six! Does not this prove that all posts of emolument are shut against you because you are Catholics? Well, the serjeants. Now a serjeant has about 6*l.* a year more than a common policeman. Well now, how many of these serjeants are Protestants? Why, two-thirds. So that the paltry difference of 6*l.* a year makes them choose Protestants for their serjeants. Why, they ought to be at least four-fifths Catholics. Then, indeed, they would find you assisting them at the fairs to keep the people quiet. The Conservatives say a large number of soldiers have come to Carlow, but they have received strict orders not to escort the voters, so you have all in your own hands. Besides, the Government has sent down three magistrates, who are to have the entire command of the army, to the exclusion of all the county magistrates; so, good people, all is in your power; and the Government too is very different from the last. But these Conservative landlords threaten to deprive you of your leases; that they cannot do. Why so? They dare not, though they are most anxious to wallow up to their knees in human blood—in your blood, good people—and to bring about again the Rebellion of 1798; and their object is to bring your daughters to prostitution, and your sons to beggary; but they dare not. Why? Because before the end of this Session of Parliament, a body of poor laws will be in force, and every tenant that every landlord ejects, that same landlord will be obliged to support. And who are these bloody landlords, these tyrannical despots? Why, they are fellows whose names were not known when your ancestors possessed the land they now possess; but a time will soon come that will oblige them to prove what right and title they have to their possessions. Well, good people, will you now be true to your religion, your country, and your God, in spite of the tyranny of your landlords, in spite of Alexander and his son, the two who first obliged their tenants to pay blood-stained tithes; who, after the last election, because their tenants voted for their country and their conscience, issued latitats, the expense of which amounted to 2*l.* 5*s.* 6*d.*, to enforce the payment of sums of money not exceeding 6*l.* I am told that two Conservative brats, sons of this Alexander, are now at the Cross below terrifying the freeholders as they are coming to mass, but I will teach these chaps not to terrify honest freeholders. Good people, you must swear at the election, that you vote for 'fit and discreet men to represent the county of Carlow in Parliament.' Is Bruen a discreet man? What Bruen? Orange Bruen! He who always opposed Catholic emancipation, till it was extorted from the Government, and his opposition could be no longer any injury to you! Is it Bruen, who said in Parliament (the only time he did not give a silent vote) that the priests instigated the people to commit murder, and all kinds of outrage; and that till the priests were exterminated, the country would not be fit for a Christian to live in; that one priest said to a man who did not wish to vote on the liberal side, 'I will make the water melt before it comes to your mouth!' that another priest said, 'I will turn you into a goat, if you do not vote for us;' and another said, 'I will turn you into flaggers, if you do not vote with me.' Is this a fit and discreet person to represent the county of Carlow—this hard-hearted, tyrannical landlord? Well, what of Kavanagh? Is he a fit and discreet person to represent you? Why, he is dead! so the Dublin Freeman's Journal

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and the Kilkenny Journal say; but if he is not dead, he is always laid up with the gout. Is this a fit and discreet man to represent the county of Carlow? Oh, boys, take care and do not perjure yourselves. Why, this Bruen always supported tithes, blood-guilty tithes, tithes that have murdered and bayoneted you! that have dragged you out of your quiet and peaceable beds, and have torn the very sheets and blankets from under you! that have bayoneted you, as they did at Rathcormac and Newtonbarry! but I tell you, if you gain this election, before the end of the year there will be no such things as tithes, and even now a bill for the total extinction of tithes has passed the second reading of the House of Commons, it only requires a third reading to become the law of the land; for as Peel himself said, neither the Lords nor the King dare refuse what the House of Commons pass into a law. Well, boys, Bruen and Kavanagh, I think you will agree with me, are neither fit, discreet nor honest men, to represent the county of Carlow. But I will tell you who are honest men; Vigors is an honest man, he who has taken upon himself the people's rights, and is determined to protect them; but you know him well enough. We tried to get an Irishman, and applied to several other gentlemen of the county to side with Vigors, but they all refused. An English gentleman, however, has volunteered, Mr. Raphael, high sheriff of the city of London, who has plenty of money and plenty of honesty; vote, then, for Vigors and Raphael, and you will vote for yourselves, your country, your religion and your God. Is there any man will tell me that agitation has done nothing for Ireland? Where are tithes now? Although Catholics are still kept out of offices of emolument, still there are no such things as tithes now; I mean you no longer have to pay tithes, but a pitiful land-tax; and we will soon put an end to that too. The Protestant clergy are now very different from what they were, they are no longer the fine gentlemen they were, but are in a sad hobble, and we will make them in a greater hobble; for instead of bringing up their sons and daughters to be gentlemen and ladies, they will be glad to bring them up to be farmers and tradesmen, like yourselves, good people—[here there was great laughter, and various expressions of assent.] Boys! Vigors and Raphael intend to address you after mass, and I desire that you will not leave the chapel yard till you have heard them. These Orange conservatives are very confident, like the devil when he tempted our Saviour in the wilderness; but we will strike fear and terror into their hearts on Tuesday. I hope it will not be necessary to draw the sword, for I hope the very sight of the scabbard will be enough to frighten them. But I tell you, boys, if the Conservatives gain this election—they cannot gain it—but if by perjury, threats and violence, they do gain it, if they do trick us out of our representatives on this, as they did at the last election, and be beat, more blood will flow than there is water in the River Barrow. Come then, good people, to the poll at once; I denounce that man who will not come to the poll at once, as one who is tampering with his landlord, as one who is waiting to see on which side the scales may turn, and I will suspect that man to be a renegade and an apostate."

11316. Before you published this address with the names, you waited for a guarantee of the truth of the circumstances from Mr. Alexander?—Yes, I did, and it was my duty.

11317. When you published it without the names, was it not pretty well known throughout the county to whom the address was attributable, and the persons to whom it referred?—It might be, I am not aware that the whole country knew.

11318. Speaking practically as the editor of a newspaper, have you any doubt in your mind, that within a week of that address being published in your newspaper, that every reader of your newspaper would become acquainted with the parties to whom it referred?—I am quite certain they could not be acquainted with it. I will explain my reasons. I introduced the article first by stating that it was a speech of a clergyman in the county of Carlow; I did not distinguish any one particular parish, and, therefore, many of my readers greatly doubted whether the speech was reported correctly or not, and called at the office, and then I did state to them the facts, that it was perfectly correct; but I was afraid to circulate the names, as it was so slanderous on Mr. Alexander and Pat Neil.

11319. Do you mean, you told those readers who called on you, you did not like to circulate these slanders about Mr. Alexander and Pat Neil?—I did, and for this reason: Mr. Alexander, or any other gentleman, might send me a document to the office without being aware of the consequences to themselves; an editor of a newspaper must be a person acquainted with his own business, and if I published Mr. Alexander's name and Pat Neil's to the county, they might conceive afterwards I acted improperly without consulting them.

11320. Do you mean to say, that you believe that, supposing you had never received that guarantee from Mr. Alexander, and supposing you had never published this with the names, that your readers, to some of whom you had communicated in the interim that it was a slander about Mr. Alexander and Pat Neil, would not have arrived at the fact, that it referred to Pat Neil, to Mr. Alexander and Father Kehoe, and that that would not have been in the course of a fortnight notorious?—I do not think it could, for this reason, the names were omitted and applied generally, and when Neil's life was frequently attempted or threatened, his horses stabbed, I was afraid to publish the document fully, until Mr. Alexander told me it was necessary to him to publish it, as he was his landlord.

11321. You stated before you received your guarantee from Mr. Alexander, you had stated to some of your readers who called on you, that Pat Neil and Mr. Alexander were the persons concerned?—Certainly I did; they knew perfectly well it was Mr. Alexander and Mr. Neil; some of them did know it; they did not know who the priest was; they might have suspected.

11322. Do you mean, knowing Pat Neil was referred to, and Mr. Alexander was the person, that in the course of a fortnight it would not be notorious throughout the whole country who the priest was; do you state that as your belief?—It might be known in the county of Carlow, but not in the adjoining counties, who the priest was; my paper circulates in parts of England and parts of Scotland.

11323. It would have become notorious in the county of Carlow who it was?—It might.

11324. Then you had no hesitation in publishing this without the names, which might have become notorious in the county of Carlow, names and all, before you received the guarantee of the truth; but after you had received the guarantee of the truth and the guarantee for the consequences, you then put in the names equally without hesitation?—Pardon me—may I explain that? In the first instance I must be perfectly well aware that when the name is not stated fully, it throws the greatest difficulty on any gentleman to bring an action against another, and when the names are published, any thing coming from Mr. Alexander's hands, which he guarantees, I would risk the consequence of; when he subsequently proved to me the accuracy, and came to the proprietor, and told him he was ready to produce his reporter; that he was a short-hand writer, and every thing was accurate, and requested me to revise the report, and publish it more accurately on the Saturday following, I unhesitatingly did so.

11325. You have stated, without receiving any guarantee from Mr. Alexander of the truth, you published this document, in a way which you admit that it might have become notorious in the county of Carlow as to the person to whom those expressions were attributed, and to whom they applied, you waited until you had received Mr. Alexander's guarantee against the legal consequences, until you put those names in; is not that the fact?—Yes, and I would have done the same for any gentleman under the circumstances, relying on its truth, as coming from a gentleman of known character.

11326. You published this statement, knowing that it came originally from Mr. Alexander, without the names, and you republished it a second time with the names, having received such information from Mr. Alexander, a man of honour, on whom you could rely, which induced you not to hesitate to publish it with the names?—Unquestionably that was my reason; I had a long conference with the proprietor, and when I found the proprietor was perfectly satisfied of the truth of the statement and the accuracy of the report, and of the gentleman's own honour, I republished it.

11327. With regard to any further speeches in 1835, have you any further statement to make with regard to January 1835, as to chapels?—Yes, I have; at Newton chapel a Mr. Kensilla (who voted for Colonel Bruen and Mr. Kavanagh) and his family were abused; his daughter was struck with a stone, and the Messrs. Hughes and M'Grath, and other voters, were attacked on the same day. Some of the rioters were tried at Bagnalstown before the magistrates, and one man was fined 5*l.* and in default of payment committed to prison. At Castle Dermot chapel a gentleman named James Gorman was attacked, and this was the letter I received from him:—"Dear sir, I regret the state of my health for the last few days prevents my calling on you, to give you a faint idea of the savage conduct of the people of Castle Dermot towards me on Sunday last, and the miraculous escape I had of my life. I am quite certain, were it not for the active interference of Mr. Dunn, I should not be able to write this note to you. The people showed

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an evil disposition at first mass; but it seems their vengeance was reserved for me at last mass; a number of at least 500 collected at and inside the chapel gate immediately after mass, and commenced the most brutal kind of yelling I ever heard; by good fortune I got into Mr. Dunn's house, which they surrounded, and on his going out to speak to them, their cry was, turn out G———; Mr. D. then dispersed them, when they all marched in a body to the inn to break my car, which they would have done but for the ostlers and the kind interference of two neighbours." This Mr. James Gorman voted for Colonel Bruen and Mr. Kavanagh.

11328. Have you any doubt of the truth of that gentleman's information to you?—I have no doubt of it; he described the nature of the attack to me, and said he was afraid he could not vote at the last election, and did not vote, and went out of the way altogether, and I firmly believe he did so through fear.

11329. The effect of this treatment was such that he was intimidated, and did not vote at the election in June?—He did not; neither of the three brothers, the Messrs. Gorman. The coroner for our own county did not vote; he was afraid to vote; he told me so, and that he got threatening letters.

11330. A person filling the high situation of coroner, in consequence of the intimidation practised on himself and his brothers, was afraid to vote at the last election in June?—He was.

11331. What are the politics of that coroner, are they Tory or Liberal?—Most liberal; he is a respectable Roman Catholic; and he was elected by the Conservative party for the county of Carlow; and he voted since that period for them; and on the late election he was so much in dread he did not vote at all.

11332. Therefore that gentleman voted in opposition to his own political opinion?—I do not think he did; he always voted for Colonel Bruen and Mr. Kavanagh.

11333. Is not Mr. Kavanagh considered a gentleman of liberal principles?—He is a most liberal man; he voted for Catholic Emancipation, and is beloved by the whole county, with the exception of the priests. I never knew a gentleman in Ireland so much beloved, nor one more deserving of it, in any relation of life.

11334. Is he not a good landlord?—One of the best and most benevolent landlords I ever knew.

11335. Is he not a person, in your opinion, whom his tenantry would vote for in gratitude and affection for him as a landlord, if they were not thwarted by the interference of the priests?—I have no doubt that his tenantry, on the late election, who voted for him, with the exception of three or four, would have done so if they were sure of being killed on their return home; they told me so; such is their warm attachment to him for his moral worth and benevolence of character.

11336. Is Mr. Kavanagh a Tory in his politics?—I believe he is a Conservative in his politics; there are many Irish gentlemen Roman Catholics who are Conservatives.

11337. Is Mr. Kavanagh a Conservative?—He is.

11338. Is Mr. Bruen a Conservative?—I believe he is for the preservation of life and property in Ireland, and all such are Conservative.

11339. Have you other instances of the election of January 1835 you wish to bring before the Committee?—In Leighlin bridge, Captain Stewart told me that a woman named Ready was attacked in the chapel-yard, and Captain Stewart and the Rev. Mr. Roberts, the Protestant rector, were obliged to protect her out of the town.

11340. What was the alleged offence against this woman, that they wished to assault her?—That either her husband or son voted for Colonel Bruen.

11341. You have deposed as to certain outrages committed at the election in January 1835; were you also present at the election in June 1835?—I was.

11342. Was Father Maher at that election?—He was.

11343. Did he make a speech?—He made a speech which occupied nearly three hours.

11344. Was that speech what may be termed an inflammatory speech, or was it very mild and christian-like?—Why, his previous speeches were mild and charitable when compared to that; it was such a speech as I never heard delivered, nor any Irishman before, in a public assembly.

11345. Was it so mild?—It was so violent and inflammatory and calumnious.

11346. Did he allude in any strong terms to Colonel Bruen?—It was on Colonel Bruen the whole of his slanderous attack was made, with the exception of a small portion of his spleen, which was vented on myself.

11347. Did

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11347. Did he propose or second a candidate on that occasion?—He did.

11348. What did he state of Colonel Bruen in his speech?—After recapitulating all the charges he brought against Colonel Bruen (and which were ably and satisfactorily repelled by Colonel Bruen) at various elections before, he continued in a violent strain to denounce him the greatest tyrant of the county, and he drew a comparison between him and Nero; he compared him to Nero.

11349. Do you think the speech of Father Maher on that occasion was calculated to hold up Colonel Bruen to the odium of the electors and to the people of the county at large, and to do him, in his character, an injury as a landlord?—I could draw no other inference; that it was not only calculated to effect that wicked purpose, but hazard his person too, from the nature of the excitement that prevailed at that election, and produced by the violent and inflammatory harangues of the priests.

11350. What did he attack you for?—In one of his charges against Colonel Bruen he said "it was impossible that he could have overlooked one charge, for there is that man, you all see him—[pointing me out to the immense multitude who surrounded him]—he would have replied to it, for he is constantly attacking me." I merely said to Mr. Maher that I had never attacked him in my life, except in self-defence. It was pointing me out; it was a dangerous thing before the multitude assembled there, all armed with bludgeons. I was afraid to go, at the close of the election, to the court-house, and many other persons too.

11351. Was there a good deal of tumult at that election on the part of the mob?—The whole proceeding was tumultuous.

11352. Did you see any of Colonel Bruen's friends knocked down?—Yes, after voting; the first three days those not on the popular interest could not possibly appear in the streets without being knocked down. The dragoons were in various parts of the town, but they could not prevent the electors being attacked; and the dragoons did not, in many instances, interpose their authority; they said they had no orders. I saw many knocked down under the feet of the horses, and the dragoons never interfered.

11353. Should you say, on any one day, that thirty men were knocked down?—I saw five men knocked down directly opposite where I lodged, which is opposite the club-house: after voting, they were proceeding to the club-house, and they were followed by a large body of men with sticks, and they were knocked down just going in the gate; the dragoons immediately charged them. Colonel Clarke was a little distance from them, and there were stones thrown at some of the dragoons, and they were struck with the stones; they were charged, and I saw the dragoons and horses falling together; they took several of the rioters and committed them—gave them over to the custody of the chief magistrate.

11354. Have they been tried since?—I cannot exactly say that; I believe there were no witnesses to prove the riot, except the dragoons.

11355. Could you not have proved it?—I could not have identified any person, although I saw the tumult under my window, otherwise I would prosecute them. Mr. Green arrested several prisoners himself, and committed them to prison.

Jovis, 6° die Augusti, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

William Adam, Esq. called in; and Examined.

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11356. WHERE do you live?—I am an advocate in Aberdeen.

11357. Are you agent for Mr. Gordon?—Yes, Mr. Gordon, of Shedocksley.

11358. Had he a tenant of the name of Calder, in 1832?—He had.

11359. Did you canvass Calder for his vote previous to the election of 1832?—Yes.

11360. At what period of the year did you first canvass Calder for his vote?—Very soon after it was known that there was to be a new election; I do not just recollect exactly; it must have been towards the end of the year.

11361. Was it after the registration, when the list of the voters had been made up?—I believe I canvassed him before the list of the voters had been made up.

11362. That must have been prior to the month of August?—Yes, I think so.

11363. What passed between you and Calder when you canvassed him for his vote?—

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vote?—He told me that he would vote for Captain Gordon, if he voted at all; but he was not sure whether he would vote at all.

11364. Did he state to you whether he had been canvassed by any other party previously?—He stated that Mr. Stronach had called on him about his vote.

11365. Did he inform you what answer he had given to Mr. Stronach?—He did not appear to me to have given Mr. Stronach any decided answer, but as to the express words that he used I cannot be expected at this distance of time to speak to them.

11366. Did you apply to him on any subsequent occasion for his vote?—I think I spoke to him oftener than once; but as to that I cannot be quite sure.

11367. Were any threats used to him to induce him to give his vote?—Never—never.

11368. Did he at any time inform you he had promised Mr. Stronach to vote for Sir Michael Bruce?—I cannot say that he said that he had promised; in canvassing Calder as well as other tenants, sometimes it was not just easy to understand whether they had made a promise, or whether they were wishing to enhance the value of their votes by pretending they had not made up their minds, or would prefer voting for another party, and we (I mean the agents employed in the canvass) had often a good deal of conversation with them, and some ingenuity was required to ascertain what was their political feelings on the subject.

11369. That was the first occasion that these persons had ever been called on to exercise the elective franchise after the passing of the Reform Bill?—Yes.

11370. Previously to which none of them had any vote?—No, and many of them did not seem to understand almost any thing about politics on one side or the other.

11371. Still you experienced some difficulty in obtaining a direct answer from them as to whether they would support their landlord or not?—Sometimes.

11372. Then are the Committee to understand from you that that was the case when you canvassed Calder?—I distinctly understood Calder to say to me when I canvassed him that he would vote for Captain Gordon, if he voted at all; but I could not depend on his voting at all.

11373. Were you ever present with Mr. Gordon, the landlord of Calder, on any occasion when he was solicited for his vote?—I rather think not.

11374. Were you ever present with Mr. Downie when he canvassed Calder for his vote?—I was not present with Mr. Downie; but Mr. Downie told me what passed between them.

11375. What did he say?—Mr. Downie called on Calder for his vote; went to his farm; he did not find Calder at home, but found his wife and told her the object of his call; Mrs. Calder said, that her husband was under so many obligations to his landlord, Mr. Gordon, and had received so many kindnesses at his hands, that she was sure her husband would not refuse to vote any way that his landlord wished him, and that she believed he did not feel any particular interest in either of the candidates; and then she said she would tell her husband when he came home that Mr. Downie had called. Mr. Downie was an acquaintance of Calder's, and Calder then called on Downie the next day, or on a day or two after, at Aberdeen, a distance of about three miles or so, and said to him that he would either vote for Captain Gordon or he would stay away from the poll.

11376. Did Mr. Downie tell you what observations he made to Mrs. Calder which induced her to make that observation about Calder being under such obligations to his landlord?—Mr. Downie, I suppose, was perfectly aware of the obligations Calder was under to Mr. Gordon; he is a relation of Mr. Gordon, and he knew Mr. Gordon had been friendly to Calder; whether he asked or whether he said any thing to Mrs. Calder on that subject I cannot say; nor do I recollect whether Mr. Downie told me; but Mr. Downie was aware that I knew all the circumstances, and he also knew (being very intimate with Mr. Gordon, as his relation) the circumstances.

11377. Do you know whether Mr. Downie did or did not say to Mrs. Calder that Calder was under an obligation to his landlord, or remind Mrs. Calder that he was under obligations to his landlord, and he ought to give his vote according to the wish of his landlord?—Downie never said so to me. He never told me he had said that.

11378. Did he tell you how his conversation with Mrs. Calder had begun?—No.

11379. But he told you she had made that observation?—Yes.

11380. And

11380. And previous to the election you used no threatening language to Calder with respect to the consequence of his voting contrary to Mr. Gordon's wish?—Neither to Calder nor any other voter.

11381. Calder voted for Sir Michael Bruce, I believe?—Yes.

11382. Had you any conversation with Calder on the subject of his vote after the election?—I do not think I had.

11383. Do you know whether Mr. Gordon ever spoke to Calder on the subject of his vote at the time of the election or immediately afterwards?—He may have spoken to him before the election, and it is probable he did speak to him before the election; but I rather think he never spoke to him after the election on the subject of his vote.

11384. How long had Calder been in possession of the farm which he held under Mr. Gordon?—The minute of lease is dated 5th July 1830, and he entered to the possession about Martinmas following. The term of his lease was declared to be for 19 years, to commence from Whitsunday following its date; but there was a verbal lease, under which he took possession of the farm at or before the Martinmas following, when he could leave his own farm in the parish of Birse. There was no person there before, (I mean the farm he took from Mr. Gordon); it was quite a new farm, and he could come at any time he liked.

11385. He had no part of the crop of 1830?—No part.

11386. The first year that he entered on the farm was for the crop of 1831?—I am not sure. I am quite correct as to that. Yes, on recollection, and on looking at the lease, I see he had the crop of 1831.

11387. According to the practice of that part of the country, when would the first half year's rent have become payable?—Martinmas, after shearing, that is the general practice in the country; the first half would have been payable at Martinmas 1831.

11388. Had Calder paid any rent to Mr. Gordon prior to the election at the end of 1832?—No, he had paid no rent previous to that time. There were then three half years' rent due; but, though he had reaped two crops under his lease, the last half-year's rent for the second crop was not payable for some months.

11389. Were legal proceedings instituted against Calder with respect to his arrears of rent shortly after the general election in 1832?—Yes.

11390. What was the reason why those proceedings were instituted at that particular time?—Calder was, in the first place, due three half-years' rent; that would have been a sufficient reason of itself; but his effects were poinded at the instance of a creditor, and would have been carried off, and Mr. Gordon would have lost his right of hypothec.

11391. Did it therefore become necessary for Mr. Gordon, in order to secure his rights as landlord, to take legal measures for securing the property on the farm?—It did so, and no prudent man would have acted otherwise.

11392. Was there any action for removing Calder from his farm commenced at the same time?—None, at least there was never an action instituted for removing Calder, so far as I recollect. It may be possible, and I cannot just exactly charge my memory as to the fact; but if there was an action it must have been in this way. When a tenant is a full year's rent in arrear, it is competent to raise an action for having security found for the payment of the five following crops, or failing of finding such security, that he should be removed. Now I cannot say that that action was raised; I recollect that that was contemplated, but whether it was raised or not, I cannot charge my memory just now, but I rather think not. I know there was a sequestration, but I rather think there was no action for removal.

11393. Did Calder bring forward any counter claim at that time against Mr. Gordon for improvement or work done on the farm, for which he was entitled to repayment?—Almost immediately after the sequestration was taken out, there was a proposal made by Calder that he would give up the farm because it was too dear, and he could not fulfil the engagements of the lease, provided Mr. Gordon would give him payment for his improvement. I was mentioning that according to the terms of the lease he was entitled to payment for certain meliorations and improvements, such as roofing of houses and other things at the expiree of his lease.

11394. Does that appear in the body of the lease?—Yes.

11395. Have you got that with you?—I have.

11396. Read that part of the lease which refers to the allowance to be made to the

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the tenant for improvements?—The lease is by way of an offer for the farm, and an acceptance, and the clause in the offer runs thus, "It is agreed that you (Mr. Gordon) are to build the mason's work of the house and the office-houses on a plan to be approved of, and that I am to drive the stones thereto, and to be at the expense of the roofing, division, and doors and windows of said house and office-houses, and to be paid for said roofing, division, doors and windows at the expiree of my lease, and the same shall then be valued by men mutually chosen."

11397. For what term of years was that offer?—For 19 years.

11398. Were there any other improvements to be executed by the tenant in the way of enclosing and draining?—Yes, there is a condition or stipulation in the lease about enclosing, which is that Mr. Calder was to drive the stones, and Mr. Gordon pay for the building of the dykes when they were put up.

11399. Was the tenant to receive any repayment or consideration for that at the conclusion of the lease?—No.

11400. Then the only improvements for which he had any claim at the conclusion of his lease, was for the roofings and interior fittings of the farm-house?—Yes, and the offices.

11401. After the sequestration, Calder proposed that he should have that allowance made to him at that time instead of at the end of 19 years, according to the original agreement?—Yes, and Mr. Gordon wished, as the man had benefited his property by making the erections contemplated, that he should not lose the whole benefit, and agreed to give him payment then instead of at the expiree of his lease.

11402. How much money did it appear Calder had so expended on the farm-house and offices; what was the amount that Calder claimed?—Calder claimed upwards of 600*l.*

11403. Then the question of Calder's claim for ameliorations, and Mr. Gordon's claim for rent, were afterwards submitted to arbitration?—Yes.

11404. What was the result of that arbitration?—After deducting from the arrears of rent, and Mr. Gordon's other advances to Calder, the ameliorations which he, Calder, would have been entitled to payment for at the end of the lease, it was found by the oversman, Mr. Watson, sheriff substitute for Aberdeenshire, that Calder was indebted to Mr. Gordon 20*l.*, I think.

11405. Has he paid that 20*l.*?—No; he has not.

11406. Are the Committee to understand the first proposal for giving up the farm was made on the part of Calder on the ground that he found his farm too dear, and after the sequestration had been lodged against him?—As to how the proposal was originated, I just cannot exactly speak to that from memory; but I know that it was stipulated in the submission by Calder, that he should receive immediate payment for these improvements instead of at the end of the lease.

11407. But you do not know, and you cannot answer the Committee at this instant as to the party from whom the proposal originated after the sequestration for a submission?—No, I cannot say; it is very likely that I may have suggested it as a measure equally advantageous both to landlord and tenant. It is possible I might have done so, knowing that Calder could not implement his lease; it is not impossible that I proposed it; I may have proposed, as a measure equally good for both parties, that a submission should be entered into to settle all the difference, and that Calder should give up his lease and receive payment; but whether it came from me, I cannot say positively.

11408. Do you consider the original agreement which had been entered into by the parties was a beneficial one for the landlord or for the tenant?—Decidedly for the landlord, if Calder could have implemented his lease or agreement.

11409. Has the farm been subsequently let?—The farm has been subsequently let; after Mr. Gordon had expended several hundred pounds on improving it, he was obliged to let it at a less rent than Calder had stipulated to pay.

11410. Then you say upon the settlement of accounts that a balance of 20*l.* was found due to the landlord?—Yes.

11411. Allowing on the one hand the rent, and on the other the improvements, the roofing and work?—Yes; these improvements were what he would only have been entitled to at the end of 19 years; but striking the balance, there was 20*l.* found due to the landlord, instead of which Calder claimed under the submission 600*l.* as due to him.

11412. Was Calder a man of any capital?—It turned out not; Mr. Gordon

was

was so far deceived in that; he expected when he came forward to take a lease of this farm, that he was possessed of sufficient means; he pretended that he had means to carry through the improvements stipulated for, but it turned out he had not the means, and was quite unable to fulfil his engagements in that respect.

11413. Pray did Mr. Downie tell you what had passed between him and Calder at that interview that he had with him after Mr. Downie had seen Mr. Calder?—He told me that Calder promised to vote for Captain Gordon, or not to vote at all.

11414. Did he tell you any thing he had said to Calder?—No, I cannot charge my memory with that.

11415. Did he not tell you any thing he had said to Calder himself?—He may have told me, but I cannot recollect.

11416. Are the Committee to understand that all the stipulations with respect to allowance for improvement had been reduced to writing, and are mentioned in that letter of which you have read a part?—Yes, this is the missive letters of lease at the commencement of the tack.

11417. Was there any subsequent verbal agreement as to further allowances to be made to Calder?—After Calder had been some time in possession, he began to find himself that he had taken the farm too dear, and was not able to carry through the improvements, and wished Mr. Gordon to reduce his rent, to give him some abatement or reduce his rent, and Mr. Gordon rather was satisfied that the farm had been let dearer than Calder could pay, or in fact than any tenant could pay; and he, as an encouragement to him to get on with the improvements, said that if he would get on with the improvements, and endeavour to implement the lease, that he would allow him so much to enable him to purchase manure to help him with the improvements.

11418. Then there was some verbal agreement?—I cannot say that it was an agreement; on the contrary, I mean that there was not an agreement; it was a favour rather.

11419. There had then been some conversation between Calder and his landlord relating to certain indulgences which were to be granted to him?—Yes, and between me and him.

11420. Was any mention made under the submission of those indulgences; any expectation which had been held out by the landlord?—The submission was a general submission of all disputes, differences and claims by one party against the other.

11421. Were you present during the discussion before the arbitrator?—I was agent for Mr. Gordon in the submission.

11422. Was any mention made of that conversation or verbal agreement?—Calder claimed something under that.

11423. Was it denied?—It was denied under the qualification that I have just now mentioned, that if he did so and so, if he implemented his bargain and went on with the improvements, that such and such allowance would be made to him.

11424. Can you state what portion of the claims that Calder preferred for improvements was objected to on the part of Mr. Gordon?—It is quite impossible to do that; the claim consisted of several pages or sheets, and was made up of different items by way of account.

11425. By Calder?—Yes, and Sheriff Watson went over it very minutely and particularly.

11426. Can you recollect what was the original amount of Calder's claim?—Above 600*l.*

11427. What was the sum awarded as due to him?—After allowing him credit for all his improvements, he was found to be due to Mr. Gordon 20*l.*

11428. How much was he found entitled to claim as a set-off against his rent?—I cannot recollect that; it is only the balance I can just now recollect. In addition to his rent, Mr. Gordon had advanced him some money, and that was also charged by Mr. Gordon, as well as the rent.

11429. Has that balance found due been paid by Calder?—Never.

11430. Is the matter still under litigation?—A charge of payment was executed against Calder, on which he got a bill of suspension; but there has never been any thing further done in the matter, Mr. Gordon knowing that though successful in the litigation, he could not succeed in recovering any thing from Calder, on account of his utter inability; and he has never proceeded in the thing any rther.

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11431. His only remedy now would be to imprison him for debt?—Only.

11432. And he has never had recourse to that extremity of the law?—No.

11433. Are there any other actions pending at the instance of Calder against yourself and against Mr. Gordon at this moment?—There is one against me.

11434. That is on the ground of defamation?—Yes.

11435. You are quite sure that you never gave Calder to understand, or gave him reason to understand, in any way, at any time previous to the election, that his not voting the way his landlord wished him would in any way lead to his injury?—Never, directly or indirectly, did I use any threatening language to Calder, in regard to his voting.

11436. You have already told the Committee that Mr. Downie did not communicate to you what argument he had used with Calder to induce him to vote for Captain Gordon?—Not that I recollect.

11437. The legal proceedings which took place against Calder, at the instance of Mr. Gordon, had no reference whatever to Calder's conduct at the time of the election?— None whatever.

11438. But were rendered necessary from other circumstances?—From his being in arrears of rent, and from other creditors having legal proceedings against him.

11439. Were you aware at the time that the creditor who had seized his property had been satisfied?—No, I am not satisfied of that yet. I do not know that he has yet been satisfied; and it was upon the ground that other creditors were doing diligence against him, as well as on the ground he was in arrears of rent, that Mr. Gordon found it necessary to sequestrate.

Sabbati, 8° die Augusti, 1835.

CHARLES ARTHUR WALKER, ESQUIRE, IN THE CHAIR.

Mr. *T. H. Carroll.*

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Mr. *Thomas Harris Carroll*, again called in; and Examined.

11440. NOW did you see the stable of a man named Cummins, whose horses were burnt?—I did.

11441. Is the impression of the public and your own impression, that the stable and horses of Cummins were burnt in consequence of the horses having been employed in bringing up the voters for the Conservative candidates, because it was presumed that he, so using his horses, took an interest in favour of the Conservative candidates?—He voted for the Conservative candidates, and the impression on the public mind is, that the fire originated not accidentally but through design, in consequence of its appearing on a trial that the house was set on fire from the top, and when the house took fire inside, the backs of the horses were burnt first; and it was generally the opinion of every person in court the house was set fire to maliciously; five of the horses were burnt to death.

11442. What was the verdict in his favour?—He got compensation before the grand jury, I believe about 97*l.* 10*s.*

11443. Did the investigation at all proceed on the point of whether it was accidental or malicious?—It did; I attended the investigation.

11444. Did you report it on that occasion in your paper?—I did not publish it in my paper, for this reason—Mr. Fishburn, the magistrate, and Captain Battersby, told me it would be improper to publish the proceeding before it came fairly before the public.

11445. The proceedings before the court justify you in stating that there was an impression in the public mind as well as of the court, that the burning had been malicious in consequence of the vote given by Cummins to the Conservative candidates?—Yes, he was threatened frequently, and he told me so himself; he called on me previous to the election, and he told me he apprehended some attack would be made on his property, in consequence of Father Phelan speaking of his name publicly from the altar; the man keeps an inn, and on my passing through I inquired more particularly; and his wife also complained that her husband's name was called publicly from the altar.

11446. The man, before the event, told you that his name had been denounced from the altar by Father Phelan previous to the election?—Yes.

11447. Did

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11447. Did he, after the burning of the stables, after the election, attribute that misfortune to the language used by Father Phelan on that occasion?—I do not recollect that he did; but he attributed his misfortune to having voted for Colonel Bruen and Mr. Kavanagh, and from having his horses employed, and using every exertion to serve their interest.

11448. Did you hear a voter who, not being able to pronounce the name, or being ignorant of the name of the other candidate, Mr. Raphael, say, "I will vote for Mr. Vigors and my priest?"—I did; on that occasion I attended the booth, having heard there was a man who could not poll, and when I went into the booth I found he was an old man; the names were alternately given, and when it came to the name of Mr. Raphael, he could not pronounce it, and he was asked who he would vote for, and he said, "for Mr. Vigors," first, "and the man who is far away." He was pressed again, and it was said that was an illegal vote; he was asked again, and he said, "I will vote for Mr. Vigors and my priest;" the assessor was called on, Mr. Hatchall, and when he came down he put the names of the candidates in various ways, and he could not answer; at length he polled in this manner, "Will you vote for Mr. Kavanagh?" "No."—"Will you vote for Colonel Bruen?" "No;" then the vote was considered good, although he could not pronounce the name of Mr. Raphael.

11449. The vote then was admitted, although the individual could not pronounce or was ignorant of the name of the second candidate, Mr. Raphael?—My impression is, if he was on the table from that period to the present moment, he could not pronounce the name.

11450. When he said he would "vote for the man that was far away," did he mean that Mr. Raphael, being a stranger and having no connexion with the county, that he meant to vote for that individual, or what was your impression?—I think he meant by "the man far away," that he knew he lived in England and that he was not present; that was the way he attempted to describe him.

11451. But you think he intended to vote for Mr. Raphael?—He certainly did; I think so.

11452. And it was the only way he had of designating his wish when he could not pronounce the word Raphael?—I should suppose so.

11453. But when he added, that he "voted with his priest," you mean he voted for Raphael, as marked out to him by the priest?—Yes, undoubtedly.

11454. Have you not heard a man say at the hustings that he gave a vote for his landlord instead of mentioning the name of the candidate?—I never did.

11455. Mr. Hatchall was present when this discussion took place?—He was.

11456. Now, on this occasion, who marched in the electors; who took a prominent part to lead them to the hustings?—The Roman Catholic clergy of each parish brought in the freeholders in procession.

11457. Do you mean to say that the priests of each parish marched at the head of the electors or at the tail of the electors of their respective parishes?—I saw a great many parish priests; I saw Father Walsh lead them in in person; he walked first, and all the persons followed him; I have seen Father Walsh, sen. march at the head of them on foot.

11458. Did you see any others?—I saw Father Doyle march in at the head of another body. I believe I stated in my late examination that I saw Mr. Kehoe march in at the head of another body, or rather at the end of the procession; and many others that I cannot exactly remember.

11459. Were Mr. Alexander's tenantry so marched in, and was Mr. Kehoe at the head or tail of the procession?—He was at the tail of the procession; he was the last person; he drove in in a gig, and the procession was on before him; I know a great many of Mr. Alexander's tenantry.

11460. Now during the first three days of the election in June last, what was the state of the town?—It was as much as any person's life was worth to appear at all in the streets; I have seen several respectable men knocked down coming in to vote; I have seen them taken into hospitals; I have seen windows broken; I have seen a magistrate come in and his horse and carriage stopped; I saw him attacked by two fellows in the crowd; they were subsequently arrested but afterwards rescued.

11461. How were you yourself situated, being a party man; do you admit yourself to be a party man?—Indeed I do, but a very moderate man; and as to my temperate habits, unless in my own defence, I refer to Mr. Finn, Member of Parliament for Kilkenny, whom I supported in preference to Mr. Vigors; and as

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to the course I pursue, unless in self-defence, I refer to him. Last election, I certainly was very anxious to have my friends returned, and I was obliged to keep my house for some time unless when the military were convenient. While sitting after dinner with Mr. Finn, in my own room, a gentleman connected with the English press, I believe the Morning Chronicle, who had come to town, and whom I invited to spend the evening with me, a Mr. O'Connor and a gentleman from the Queen's County, a large stone was thrown through the window; it passed my head, and broke a piece of the wall on the opposite side; it passed with such violence that the place where it broke was only the size of the stone.

11462. Were you in such just alarm at the probable consequence of your walking the streets, that unless you were protected you would not have gone out as usual to pursue your avocations?—For five days I never could go near my office without danger of my life.

11463. You have mentioned the name of Mr. Patrick Finn; is he the brother of the Member for Kilkenny?—He is.

11464. Is he a Roman Catholic?—Yes.

11465. Some letters of his have been published in the newspapers, have they not, alluding to the violence and intimidation which was practised at the previous Carlow election in January, and stating his opinion of the necessity of the interference of the police and the military; have you read those letters of his?—I have, and seen him write them in his own house.

11466. Then this gentleman, so connected with the Member for Kilkenny, being himself a Roman Catholic and a man of liberal principles, was of opinion that the military and police were absolutely necessary on the election in January 1835, for the purpose of preserving the public peace?—I am intimately acquainted with Mr. Finn, and he more than once told me that no person could be safe to go up to vote without having a large military force. He is a gentleman of very liberal opinions; but, in consequence of the state of that county and the violent intimidations of the Roman Catholic clergy, their public denunciations at the altar, their parading with large masses of people in the streets, Mr. Finn, with many other respectable Catholic gentlemen of that county, are opposed to the interference of the Roman Catholic priests at elections.

11467. Your impression from personal conversation, and speaking from your own knowledge of Mr. Finn's sentiments on this point, are, that you are of opinion, that entertaining liberal principles and being a Roman Catholic, that he is so disgusted with the intimidation practised, and the influence exercised by the priests, that he, as an independent man, came forward and asserted the opinion of the necessity of employing the military, in order to protect life and property during an election; and that no election, in his opinion, in the county of Carlow would be free, unless the electors were protected by a military force?—From my knowledge of Mr. Finn, which is very considerable, being most intimately acquainted with him, I am solemnly of opinion that Mr. Finn thinks the very same as I do on the subject of contested elections in the county of Carlow, and I think Mr. Finn would go before any tribunal in the world to prove the facts.

11468. Do you think that Mr. Finn approves of the interference of the landlords with their tenants, to cause them to vote contrary to their own political views?—I believe Mr. Finn's opinion to be this: that he considers a Roman Catholic priest has no right at all to interfere, and that of the two he would prefer the interference of the landlord, who has a just and legitimate claim on the vote of a tenant, and a much greater claim than a Roman Catholic clergyman. I believe that to be Mr. Finn's opinion.

11469. Do you mean to say he would approve of the influence of the landlord over the tenant, even although that tenant's political opinions did not concur with the landlord's?—I do believe that Mr. Finn is of opinion that the landlord has a right to ask his tenant for a vote, and that he believes the tenantry should go with the landlords.

11470. Do you mean to say Mr. Patrick Finn thinks, that if a tenant is perfectly independent of his landlord, having scrupulously paid every farthing of rent he owed, that that landlord has a right to the political conscience of his tenant, and that he has that description of abstract right to the vote of his tenant, that he ought or that he might with propriety eject him if he did not vote with him—does it go to that extent?—I do not think it would go to that extent.

11471. Does it go to this extent, that Mr. Finn, as a liberal independent gentleman, and a Roman Catholic, is of opinion that the relations between landlord and

and tenant, consisting, as they ought to do, of mutual and reciprocal kindnesses—that if the landlord has performed any act of kindness to the tenant, that he has a just right to expect that the tenant will give him his vote, or allow him to exercise his influence in his vote, provided he, the landlord, has acted towards him in a kind and liberal manner?—I believe there is no man exerts himself more to preserve those ties between landlord and tenant than Mr. Finn. I believe he is of opinion that those ties should be mutual, and I am certain that he is of opinion that, of all others, a tenantry and a good landlord should always go hand in hand together. Those are Mr. Finn's opinions I am perfectly certain.

11472. Was not Mr. Finn the editor of one of the most violent newspapers on the popular side some years ago?—Never.

11473. But you are of opinion that whatever may be the impression of Mr. Patrick Finn as regards the relations between landlord and tenant, that he as a Roman Catholic, and a liberal independent gentleman, is decidedly adverse to the influence now exercised by the priests in the county of Carlow, and that he thinks that influence so exercised by them extremely prejudicial, and tending to any thing but the freedom of election?—I think he deprecates their conduct, and that system of dictation practised in Ireland lately, as much as any other man in the kingdom, and as openly expresses his opinions on that subject as any man I ever met with before.

11474. Then he is a specimen of a Roman Catholic gentleman of independence exercising his judgment fearlessly, and giving those opinions to the public whenever he thinks it necessary for the benefit of the community?—As a gentleman of high honour and independence, I believe there is not one more so in Ireland or in the kingdom.

11475. You have seen his letters which have been inserted in various public prints, have you not?—I have.

11476. Those letters from their tone all breathe a spirit such as no gentleman need be ashamed of, avowing as a Roman Catholic, while he maintains his religion, and while he retains as a politician his liberality of opinions, he nevertheless is a person who disapproves, from a conviction that it exists, of the improper influence of the priests in election matters?—He does.

11477. Did he vote for Mr. Bruen himself?—He did.

11478. Is he a Roman Catholic?—Yes.

11479. Do you happen to know whether Mr. Finn approves of maintaining the Church establishment in its present condition?—I think Mr. Finn is of opinion that the Church of England should be upheld, and he is equally of opinion, with many Protestants, that if there exist abuses, that those abuses might be remedied without injuring the Church establishment, or seeking for its overthrow by plundering it of its revenues.

11480. Does Mr. Finn, a Roman Catholic, think that there should be no part of the Church property, even supposing there was a surplus, applied to other than ecclesiastical purposes?—I have never spoken to Mr. Finn on that subject.

11481. You do not know whether his vote and opinions were coincident?—Yes, I believe his vote and his opinions were perfectly coincident; he is not a man to be coerced.

11482. In other words, would a Roman Catholic gentleman support Mr. Bruen, who is supposed to be attached to the Conservative interest?—He did, and most conscientiously.

11483. Do you not know that many Roman Catholics consider that at the time the Emancipation Bill was passed in 1829, that they had in their view of the question promised not to weaken the Established Church, and as men wishing to adhere to their view and to their promise, either implied or expressed, they consider it is not consonant with that promise so made or implied in 1829, to disturb or to do any thing to weaken the Protestant establishment in Ireland?—I enjoy the confidence of many educated Catholic gentlemen, and they are decidedly of opinion that the terms of emancipation have not been kept, and they would most willingly themselves adhere to those terms, and would not wish to see the Protestant establishment disturbed in Ireland.

11484. Was there not a fierce feud between Dr. Doyle and Mr. Finn?—Not between Dr. Doyle and that Mr. Finn; it was Mr. Thomas Finn.

11485. There is, however, a fierce feud between Mr. Patrick Finn and Mr. Daniel O'Connell?—Very fierce indeed, and in which Mr. Finn is fully justified.

11486. How did the coroner vote on the two last elections, in January and in

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June 1835?—He voted in January for Colonel Bruen and Mr. Kavanagh, and in June he did not vote at all.

11487. Why did he not vote at all in June?—I am firmly of opinion, from fear of his life; he was attacked before that, as he told me himself, near Mr. Brown's wall; on his way home he was attacked and knocked from his horse, and the piers of his gates were broken down, and he afterwards reported that to the magistrates at petty sessions; and when for the election of June, Mr. Patrick Finn and I waited on him at his own house to bring him in to vote (for we suspected, as he was rather a timid man, that he would be frightened), we went to the house and we could not gain admission. They were afraid to open the doors, and he never came near the election at all.

11488. You think, in consequence of intimidation, and the threats held out against the coroner, in consequence of his having voted in January for the Conservative candidates, that he was prevented giving his vote to either party at the late election?—Yes, and my opinion is strengthened in consequence of having dined with the coroner at Mr. Patrick Finn's house on the Saturday previous to the election, and he pledged us most solemnly he would be at his post to vote for Col. Bruen and Mr. Kavanagh, and he never made his appearance through actual terror.

11489. Now did Father Maher take any part with the leaders of the mob in Carlow on that occasion?—He was the leader himself of the mob; he is the great agitator in the county.

11490. When you say he was the leader himself, how do you mean; did he head any of the processions; did he bring in any of the electors?—I do not say that, but I say he is the leader in Carlow at elections, and was so particularly at that election of June; making violent inflammatory speeches, assailing the gentry of the country and bringing a large force with him to the court-house; I saw the court-house burst open; he was there, and appeared to be the leader of the whole mob. The moment he waived his hand to an immense mass in the court-house, they were silent, or immediately after uproarious again.

11491. Did you see him waive his hand, and cause the people to be silent when he was canvassing the electors for the borough, and when any one elector or voter refused to vote for the liberal candidate, did he then waive his hand and quiet the people who were proceeding to threaten or break the windows of the houses of such electors?—I only recollect one instance of it; it is very hard to follow Mr. Maher in his movements; I saw him do so at Mr. Butler's house, which I stated before, and on that occasion it was while they were inside. In some cases, while they were canvassing inside there would be uproar outside, waiting to have the decision announced whether the voter would vote for them or not. Sometimes they would be silent, and when he would announce they would not vote for Mr. Vigors, then they would become uproarious in the streets.

11492. Did they threaten to pull the voter out of his shop or house?—Yes, and to break the windows; on that occasion they broke Butler's windows.

11493. In short, when he announced the voter was adverse to the liberal party, and that violence and uproar was used, he did not then waive his hand and exercise that control which he seemed to possess over the people?—I never saw him do it on that occasion; the only instance I heard of his interference on any occasion was, that he prevented, on the first Sunday, some people being attacked at the chapels.

11494. Did you see any black lists published after the January election, and was your name inserted in any of those black lists?—Yes, I saw the black lists; they were published after the January election, when Colonel Bruen and Mr. Kavanagh were returned. The clergy commenced an active canvass forthwith after the election contest was gained by violence and intimidation.

11495. Do you mean the Roman Catholic clergy?—Yes; the black lists were published, and they were headed with the names, first, of "The Protestants who have voted for upholding blood-stained tithes," and so on. Under the Protestants were the names of "The Catholic recreants (as they were termed) who had sold their country by voting for Bruen and the blood-stained tithes."

11496. What was the object of that publication?—Decidedly to hold up the persons whose names were in the black list to popular odium and execration, and their lives were thereby endangered.

11497. After the publication of those lists, do you consider individuals who had so voted for the Conservative candidates were not safe in walking the streets or in their own houses?—Yes, that is my impression, I have seen many

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obliged to protect themselves by keeping arms, if they only stirred outside the doors at night. I saw the black lists circulated in the town, and a very large crowd following the person who circulated them, and I heard the crowd denouncing the names of some persons who were shopkeepers; and I went before a magistrate myself, and I gave information that there was danger of a breach of the peace, and I swore to the fact. The man was taken up, and gave bail; it came before the petty sessions, and as I could produce no law, nor prove a breach of the peace had been actually committed, the man was acquitted; he was previously taken up in Athy for circulating the same black lists, and I saw them myself up on the chapels; I saw them myself on the Graigue chapel.

11498. So, notwithstanding this manifestation of your zeal in the cause of justice, you, unfortunately, did not succeed in effecting the punishment of this individual?—No, I did not succeed; but my object was to prevent the circulation, and not from my own fear. I feared nothing for myself, but I felt for the lives and property of other poor men who were differently circumstanced.

11499. You are the editor of a newspaper yourself?—Yes.

11500. And you make every legitimate effort to give that circulation?—Yes, no doubt.

11501. And occasionally you indulge in a little sarcasm on those who differ from you?—I do that in my own defence. There is another violent journal published, which holds up gentlemen to public execration: it holds up Colonel Bruen and Mr. Kavanagh as tyrants; that paper has libelled myself twenty times, and I never took an action against them. My partner, Mr. Dowling, did take an action against them, and they made the most ample apology.

11502. Is Mr. Dowling your partner?—He was originally.

11503. Your brother editor?—He was part proprietor of the paper.

11504. Are you proprietor yourself?—No; I gave up the proprietorship at that time, and Mr. Malcomson is the full proprietor now.

11505. You have merely a literary and political connexion with the paper, but no pecuniary one, independent of the payment of your salary?—Nothing more.

11506. Now, with regard to these papers, have you ever known the priests insert violent articles in these papers?—I have.

11507. Of what description of article?—Violent attacks on the gentry of the county.

11508. Can you say when you have known this. Are you aware that these articles were actually written by the priests, or is it merely a surmise or supposition of your own?—I am perfectly aware they were written by Mr. Colvil, who was a professor in Carlow College.

11509. How do you know that?—My first connexion with that county was with a paper called the Carlow Morning Post, and the understanding with the proprietoress was, when I came to the paper that I would be allowed to pursue my own course. I was scarcely three days on the paper when a libel of a terrible nature was brought to the office. I told the proprietoress that it was a libel on the Established Church particularly, and that I would have no hand directly or indirectly in it. The person who brought the article was Father Nolan, who wrote it.

11510. How do you know he wrote it?—He acknowledged to me that he wrote it, and that he was the author; and I told him I would not insert it, and in my absence the article was given into the hands of the proprietoress, and without my knowledge it was handed up to the printers, and it was inserted. The Government took an action against it. I was implicated. When I applied to the printer he was gone: he was a man named Ford. I had no positive proof then who received the article; and when I explained that to the Attorney-General, of course they saw that I had no hand in it, and the prosecution was abandoned. In consequence of the manuscript being taken away by the printer, and the printer leaving the office altogether, no proceeding was ever had afterwards upon it, and the thing fell to the ground.

11511. Was there an indictment?—There was an indictment.

11512. Actually found?—Actually found.

11513. Were you included in the indictment?—I was; and when the case was stated before the court, and the whole matter stated on my affidavit, and I only three days connected with the establishment, after full explanation to the Attorney-General, the business ceased at once.

11514. And you have no doubt, exclusive of the influence exercised by the priests,

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priests, and which you have heard them from the very altar use during divine service, when the congregation is assembled, that they write articles and publish them, of an inflammatory nature, in the public press?—I say I am sure that they did so. I am not certain now that they do.

11515. Then, in the case of Father Nolan, who wrote an article so violent that it was attacked by the Attorney-General, you have no doubt of his being the author of the article in question?—No more than I have of my own existence.

11516. Who was the Attorney-General?—Mr. Blackburn.

11517. Is Father Nolan alive?—He is.

11518. You stated Mr. Cahill, one of the Roman Catholic professors at Carlow, also was in the habit of writing in public papers?—Yes.

11519. How do you know that fact?—I have frequently remonstrated with him while in that office, which was but a very short time, about his articles, and he came in frequently and brought the manuscript before my face, and put it into the printer's hand, and shortly after that I left the office altogether.

11520. You knew him, when he brought these articles to you, to assert (the violence of which you disputed) that he was the author of those articles?—I am sure of it.

11521. You did remonstrate with him?—Yes.

11522. Can you produce any of those articles?—No, I kept no file of those papers.

11523. How long did you remain connected with that paper?—About six or seven months.

11524. During that time you had frequent opportunities of knowing that the priests contributed those articles, which you have described as being violent and inflammatory, tending to bring the gentry of the county of Carlow into disrepute?—They did, and I frequently remonstrated with the proprietoress for having articles put into the paper without my knowledge at all, and never having seen them. The printers would not tell me of it, and consequently differences took place between the proprietoress and myself. I ultimately left the office in consequence of their violence towards myself and others. An editor in such an office is a mere scape-goat, the priests being the principal contributors themselves, and indulge in falsehood, calumny and misrepresentation to suit their own purposes.

11525. This paper was conducted on the popular side?—It was a moderate paper—it was a very moderate paper, and had all along taken the part of the gentry of the county in the late proprietor's time, Mr. Price. It seldom took a political view of questions.

11526. You thought it consistent with your principles to belong to that paper then, it having been previously a paper of moderate principles?—Yes, and my own principles were moderate also.

11527. But, subsequently, during the six or seven months that you were with that paper, attempts were made, and successful attempts, to introduce articles by the priests, of so violent and inflammatory a character, that you thought it right to retire from the editorship of that paper?—I did, when I found that I had no authority in the office.

11528. How many priests were there that you knew of having written these articles of which you disapproved?—I only knew two, but there were others that I suspected.

11529. What cause had you to suspect it?—I suspect there was another gentleman writing for it. There was Dr. Claney, who has been lately ordained bishop in some part of America, and a Mr. Taylor, of Carlow College. I suspected they were writers in it.

11530. Do you not know the Evening Mail receives very extensive contributions from Protestant clergymen?—I dare say it does. I am not aware of it from my own knowledge.

11531. It is the general impression?—Indeed it is.

11532. Is it not the general opinion that Mr. Boyton and Mr. O'Sullivan are writers in it?—I have heard so, but I know nothing further.

11533. Now do the priests interfere also with the registry of the voters, as well as the mode in which they intend to give their votes, at the election?—They do.

11534. How?—A person from the neighbourhood of Leighlin Bridge told me himself that, previous to the registry at the quarter sessions of 1832, the priests had announced from the altar, that any man who had an interest of 10*l.*, or could register his freehold, would be an enemy to the country if he did not register.

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That man told me he came in although he did not wish to register, and I saw the clergymen, perhaps 10 or 12 of them together, attending every registry, examining witnesses themselves, and preparing them to come up on the table; and I have seen them come in themselves serving notices for registry, and performing all the functions of solicitors.

11535. You have seen them actually conducting themselves as solicitors and active agents for the registry?—For the last four years I have.

11536. Do they come into open public court and bring forward these witnesses in this manner, and speak to them and converse with them?—Yes, and drill them before they came on the table. I have seen them do so.

11537. How many priests have you seen exerting themselves in this way?—I have seen Father Phelan, Father Maher, Father O'Connel, Father Hackett, Father Gahan, Father Walsh, sen. and Father Walsh, jun.; and, in fact, every parish priest that I saw in the county, and if I had time I could give their names.

11538. Did you see Father Kehoe there?—Indeed I did, one of the leading agitators.

11539. Did Mr. Kehoe publish in your newspaper a contradiction of the statement made with respect to the speech imputed to him?—No; I heard that he published some statement in contradiction in another paper.

11540. Did you see also the priests at the assizes coming into the courts and making themselves there very active, and at petty sessions equally so?—I have seen them at every assize and every quarter sessions, and every petty sessions, and always attending when there is any trial of a political nature going on.

11541. So that the interference of the priests is shown not only in canvassing, not only in making speeches on the hustings, not only at the altar, not only at the registry, but also in courts of justice where they are equally busy?—They are equally busy in all the ramifications of society, so far as I have seen myself, and I have witnessed as much as any man in the county of Carlow; even the confessional is not sacred from invasion when it suits their purposes.

11542. Now what was the nature of Father Maher's conduct when he accused Lord Beresford of being a severe and harsh landlord, and conducting himself improperly towards his tenantry?—There were townlands fell out of lease some time ago; it was rumoured that Lord Beresford would not give those townlands to the tenantry, and Father Maher wrote a letter in the Evening Post, that is, a letter attributed to him, and having his signature to it, denouncing Lord Beresford as a bad landlord, and that he had turned out, previously, of another townland a great number of persons. Immediately after that publication, another letter appeared from Father Tyrrel, denying the whole of Father Maher's statement, convicting him of gross misrepresentation, and declaring Lord Beresford to be one of the best landlords in Ireland.

11543. Did Father Tyrrel sign his name to his letter?—He did.

11544. Was the previous denunciation of Lord Beresford signed by Father Maher?—It was.

11545. Was Father Tyrrel's statement replied to by Father Maher?—He attempted one justification of it, and Father Tyrrel again replied; and after that, Father Maher was silent; Father Tyrrel referred to this controversy on the first day of the last election.

11546. The nature of Father Tyrrel's reply was a flat contradiction of the assertions that Lord Beresford was a bad landlord?—Yes, and pointing out instances in which Lord Beresford behaved as a most kind and a most indulgent landlord; where he had given land to widows; where he had given money to support chapels and school-houses, and pointing him out as a most excellent landlord. He denounced on that occasion Mr. Maher, and questioned his right to be "censor general" of the county; those were the words he used.

11547. Then Father Tyrrel, by using that expression, attributed to Father Maher this general interference of censuring the conduct of all individuals with whom he was not agreed in politics?—Yes, he did; he applied the terms I made use of, "censor general," for his unwarrantable interference in every man's concerns, spiritual and temporal.

11548. Did Father Maher retract this accusation against Lord Beresford in consequence of Father Tyrrel's statement of facts which had come under his, Father Tyrrel's, knowledge?—Never, that I have seen or heard; but, on the contrary, I am aware that a violent and inflammatory attack was made on Lord Beresford in

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an association in Dublin, grounded on the attacks of Father Maher, although Mr. Tyrrel's letter was previously before the public in defence of Lord Beresford.

11549. Father Tyrrel went to the extent of charging Father Maher with stating what was not true?—He did, because, he said, that the cases of aggression stated to have been committed by Lord Beresford in his parish were perfectly untrue, for that Lord Beresford had never served an ejectment on any man in that parish; that was the ground Mr. Tyrrel went on, and denied Mr. Maher's right to interfere in his parish as dictator.

11550. With regard to the registry of voters, are you aware of any instance in which a man voted at the January election for the borough of Carlow, and swore that he was in possession of premises out of which he voted, although previously he had been ejected by the sheriff?—I am aware of one man named Patrick Kehoe.

11551. State the case?—He came on the table at the election of January, and it was tolerably well known through the town that he had been ejected by the sheriff; the deputy sheriff cautioned him most particularly to be aware how he would act; and upon that occasion Mr. Maher was standing by, and the man positively swore that he was in possession of the premises. The sheriff afterwards declared that he had himself taken previous possession of the premises. As to that man's vote, I am not certain whether it was struck off or not; but it was the intention of Mr. Bruen's committee to indict him for perjury; it was, however, abandoned afterwards.

11552. Are you aware whether many of the Catholic clergy are in the habit of raising contributions for the purpose of elections, or for paying the expenses of individuals, who, in consequence of their acts at the elections, are liable to penalties for infringing the law?—I am aware of that, and I will state what I know on the subject. I have been told by several farmers who complained to me of the great grievance of being obliged to pay rent, and all taxations, direct and indirect, that they should have another tax to pay for contested elections; and they complained to me bitterly that the clergy used to read their names out from the altar, attaching sometimes 2*d.* an acre, 3*d.* an acre, or 4*d.* an acre on each man, which he should pay. On one occasion Cummins refused paying that tax so affixed to him; and for daring to refuse compliance with the priest's mandate, his name was read out from the altar.

11553. Is Cummins the man whose five horses were burnt?—Yes.

11554. Denounced for not paying the tax?—Yes, and I have spoken to several persons besides, who have sent me communications without their names; and I published the fact that the clergy were levying those contributions; I never published the name of any man who sent me the information.

11555. Then these sums levied by the priests are not paid cheerfully by the people?—Quite the contrary; they complain of it very much to me, but they are afraid not to pay it. Indeed, I think there is no county in Ireland circumstanced like Carlow, it is so completely under spiritual control and vassalage.

11556. Did you at any time in the January election of this year, see any men who were assailed in the streets and very much wounded, and that when they had taken refuge in a shop, that they were thrown out again and beaten by the mob?—I saw them; there was a respectable freeholder named Murphy and a man named Malone; they were proceeding to the court-house, and on coming through Tulla-street they were met by a very large party of men; they were knocked down and beaten most dreadfully, and they took refuge in a grocer's shop belonging to a man named Coyle; they were thrown out of that shop immediately; the mob ordered them to be brought out, and they were thrust out into the street again, and were again knocked down. A Mr. Dyer, who lived directly opposite, drew a sword and rushed out into the street, and saved the men; I saw them a few minutes afterwards; they were so beaten that a feature of their faces could scarcely be identified.

11557. Did this Mr. Coyle, or his people within, become accessories to refuse refuge to these unfortunate men who had committed no offence, but merely voting according to their own wishes?—The persons in his employment refused them admittance; I published the fact, as an instance of the ferocity of the people, and the violation of the freedom of election.

11558. The ferocity of the mob was in this instance supported by the inhumanity of the people quietly serving in the shop within?—Most unquestionably.

11559. Now

11559. Now you stated that there was a riot at Borris chapel and an attack on Mulligan the last time you were examined?—Yes.

11560. And you stated, the words used by the priest within the chapel, although sworn to by two Roman Catholics, with the exception of omitting the word gravel, that a verdict of acquittal was given in favour of the priest, and that the prosecutor failed?—I wish to correct my evidence on that point; since that period I have obtained a paper with the correct report by myself.

11561. Read those parts of the paper which you think will bear on the correction of your evidence and will give to the Committee a fair and faithful account of what passed on the trial?—I could not tell on that occasion whether any man was convicted; I found since there was one, "Thomas Kehoe, James Kehoe and Patrick Cody, were indicted for having been concerned in a riot in the chapel yard of Borris, on the 1st of February, and with having committed an assault on Edmund Mulligan. Richard Kelly, sub-constable, sworn: I was at Borris chapel on the 1st of February; I saw a freeholder, named Edmund Mulligan, there also; he had voted for Mr. Kavanagh. Court: How do you know that?—Witness: By what the priest said from the altar. Witness continued, I saw from the gallery I was on, a rush made at Mulligan into the opposite one; in order to protect him, I went round, and saw about fifty men dragging him off the gallery, after which they commenced pelting him with mud, stones and gravel; saw one of the leaders was Patrick Cody, the prisoner at the bar; with the assistance of a few of Mr. Kavanagh's men, I succeeded in rescuing him from the mob; I was also kicked and bruised while protecting him; saw the two Kehoes also aiding and assisting; heard the priest say that there were many persons in the chapel who voted for Mr. Kavanagh and Colonel Bruen, and he thought if the people threw mud at them, pushed, hooted or threw gravel at them, no law could be taken of them—(great sensation.) I heard the priest also say, at the commencement of mass, that the people should be quiet until mass was over." After other evidence for the defence, "The court charged the jury and recapitulated the evidence; after which the jury retired, and returned a verdict of guilty against Cody; but as they could not agree in their verdict respecting the other prisoners, the jury was discharged, and the parties bound over to stand their trials at the next sessions." At the time I gave my evidence on the last occasion, I was not aware there was a conviction of one of the parties until I referred to the paper.

11562. How was the jury constituted who tried that cause?—The jury were constituted principally of Roman Catholics.

11563. The person who gave that evidence which you have just related from the printed paper, was he a Protestant or a Roman Catholic?—A Roman Catholic.

11564. Was there any doubt as to the words used by the priest, according to the evidence that the man gave?—Never; and it was never contradicted, according to my knowledge.

11565. Do you mean to say on that trial it was never contradicted on oath by the opposite party, that the priest had said words to the effect you have mentioned?—Never.

11566. And that Cody was, in the manner you have stated, condemned?—He was; that is the matter I beg to correct myself in.

11567. Do you know any thing of the case of the property of a man named Dowling being injured by a person of the name of Alley?—I do.

11568. State it to the Committee; was Dowling a freeholder?—Yes, and he voted for Colonel Bruen and Mr. Kavanagh; shortly after which his plough was cut (so he told me), and the tails of two of his cows were cut off at night. Alley was arrested for it. The son of Dowling identified him as the person who committed the outrage. He was watching the cattle, hearing an outrage would be committed. He saw Alley, and fired a shot at him. Alley was brought up at the assizes and tried, and he was found guilty, and transported for seven years.

11569. What was the motive that influenced Alley in injuring this property of Dowling's?—From Dowling's having voted for Mr. Bruen and Mr. Kavanagh, and for this reason too—that the Sunday after the election, having voted in that way, he was turned out of the chapel of Castle Dermot.

11570. The impression on the public mind was, that Alley, who has been convicted of the offence and transported, perpetrated it on account of the vote given by Dowling at the election?—Yes; and, moreover, Dowling swore that Alley had threatened him for the vote he had given.

11571. So that it was fully made out on the trial, that this injury done to Dowling was in consequence of his vote at the election, he having been threatened

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by Alley, and previously threatened in the chapel, before the event took place?—It was.

11572. Who was Alley?—He was a common labourer.

11573. Now, did you attend the Bagnalstown petty sessions, and was any person convicted there for ill-treating the freeholders in the chapel of Newton?—Yes, I attended there. There was one man found guilty, fined 5*l.*, and in default of payment was imprisoned for one month, for an assault committed on George Le Mariaer, who was a freeholder. There was another man, named Sylvester Hendecker, fined 5*l.*, and in default of payment committed to prison for three months, for a violent assault on Edmund Hughes, a freeholder, who voted for Colonel Bruen and Mr. Kavanagh. This Mr. Hughes swore, on his oath, that he was in danger of his life; and he said that he was hunted like a dog from the chapel. That is what he swore in evidence.

11574. Did you attend the petty sessions at Carlow, and were there any convictions there for any assaults?—There were; there was a man named James Johnson summoned for a violent assault on a man named John Canavan, who voted for Mr. Francis Bruen, for the borough of Carlow. He swore on that occasion he was dragged out of his house and desperately beaten, and that he was confined several days under the care of Dr. Stone and Surgeon Porter. That prisoner was committed to prison for two months.

11575. Do you know of any occurrence that took place in the chapel of Ardather, in the county of Carlow, of an assault that was committed there?—I do. I am only aware of this fact, from the reports given in to the superintendent chief constable of the county, and also from the evidence of a neighbour, who told me the state he saw Widow Parder and her son in. She was turned out of the chapel, her son Richard was knocked down, for voting for Colonel Bruen and Mr. Kavanagh, and he was cut: he was afterwards protected by Captain Butler's labourers, and brought home.

11576. Do you know any thing of the information of Edward Gorman, esq., coroner for the county of Carlow, on the assault that was committed on him on the night of Saturday, the 17th of January, when some gates, his property, were maliciously broken, and the caps of the piers taken off, and so on?—Yes, I saw the gates myself.

11577. What was that outrage?—I was in the habit of frequently going out to visit the coroner, and he showed me the gates. They tore down the piers, and he told me himself he was knocked off his horse some nights previously, and beaten near Mr. Brown's wall.

11578. Did you ever hear that at Turia two notices were posted, forbidding a man named Thomas Burne, a carpenter, "to work for any perjured Catholic," and the other prohibiting Joseph Dalton, a smith, from working "for any of the freeholders who voted for Colonel Bruen and Mr. Kavanagh?"—I saw the notices.

11579. Have you ever seen other notices posted up of a threatening character, denouncing individuals in consequence of having voted at elections?—In consequence of having voted for Mr. Francis Bruen, at Carlow, in January, one was put up near my own office, of a very inflammatory nature, against "the Catholic apostates" who had voted, and calling on the people not to deal with them, or hold any communication with them. It was surrounded by a large number of persons reading it. I went into the crowd myself, and tore it down.

11580. What did you understand was meant by the term "perjured Catholic?"—The general impression made on the mind of the people by the speeches of the priests was, that any man who would vote at that election against Mr. Vigors, or against the popular candidate, would perjure himself.

11581. The words "perjured Catholic" then you say were interpreted by the common people to mean, that any body who voted against Mr. Vigors perjured themselves?—Yes, as having voted against his conscience; that he could not conscientiously vote contrary to the wishes of the priests—that was the general argument used in all their harangues.

11582. You appear to have attended some meetings of the Roman Catholic clergymen, and you have produced your notes which you appear to have brought over for the purpose as a witness, in order to verify your accounts of the speeches which you attribute to the Roman Catholic clergymen—have you any report of the speech delivered by a Roman Catholic clergyman, that will sustain you in the interpretation you have just given to the words "perjured Catholic?"—No, I have no reported speech; but I have heard the Roman Catholic clergymen commenting on the oath which is to be tendered to a Roman Catholic freeholder, and stating

no man could vote against the popular candidate conscientiously and take that oath.

11583. You have no report to that effect?—I have not.

11584. How does it come to pass that you produce minute, and, of course, as you suggest, accurate reports of several speeches delivered by Roman Catholic clergymen on other subjects, but that you have omitted to report, or if you have reported, you have omitted to produce the report of matters so important as those to which you have just referred?—I cannot see the importance of it; if I had thought so, I dare say I could have brought such papers with me. I got very little notice, and I had only two days to despatch the business of my office and come over here.

11585. Do you not think, if you were to examine into the various speeches that have been attributed to Roman Catholic priests, that you could find some passages in substance to this effect: that those Roman Catholics who voted for the Conservative candidates against the popular candidates, who were for the abolition of tithes, would be voting against their religion by so doing?—I am quite certain I could, and I pledge myself I will find them out if I possibly can.

11586. Do you not know the question of tithes has been from the altar denounced as a system that ought to be put an end to, and that any Catholic freeholder who should vote for members who supported the Established Church and the maintenance of tithes, would do that which in the opinion of the priests was against the Catholic religion, or to the substance and effect of that?—I am of opinion that that was the ground-work on which all the speeches were delivered on the occasion. Mr. Maher's speech, Mr. Tyrrel's speech and Father Gahar's speech.

11587. Here is a letter from Dr. Nolan, the bishop of the diocese, dated Carlow, January the 7th, in which are these words—"Shall we then stand by as idle spectators of so momentous a contest—we, who are so completely identified with our people in all their interests and all their sufferings? I answer, emphatically, No! The people stand in need of our assistance in this emergency; and we owe to them our most zealous co-operation in an object so evidently good, as their peaceful and legal endeavours to free themselves from the thraldom of Conservative oppression, and the crying grievances of an unjust and sanguinary tithe system. We are bound to give them our assistance, by instruction, advice, exhortation. And it is necessary to explain to the electors the real nature of the question on which they are now called to determine by their votes." Now, do you not understand this letter of the Roman Catholic bishop of the diocese to be an instruction to his clergy to interfere in the elections, and to do every thing that they could to promote the objects of those candidates who, by their public professions, are known to be in favour of getting rid of tithes, and holding up the maintenance of tithes as a crying grievance, as an unjust and a sanguinary system?—I do. I had the honour of the acquaintance once of that gentleman, and up to the writing of that letter, I very frequently praised him for his meekness and his temperate conduct. I never knew him an agitator until he wrote that letter. I replied to that letter which purported to be his.

11588. You have heard an extract from a letter; do not you think, in order to form a judgment of that letter, the whole context ought to be read?—Why, I think it frequently happens that a sentence may be perfect, and its meaning well understood, without the context. In other cases the sentence would not be perfect without the context.

11589. A part only of that letter has been read to you?—That is all, but I recollect the substance of the whole well.

11590. Here is another passage further on, in the same letter, which states, "Need the electors be informed of the true character of the ministry? If they be unacquainted with the professed and uniform principles of the men who compose it, passing events will tell them. Two or three sanguinary tithe massacres have occurred since the accession of the present ministry to power; not perpetrated, indeed, by their orders, but certainly in the well-founded hope of protection and indemnity from them. Are they to be informed of the Tory or Conservative principles? Surely they cannot have so soon forgotten those notable speeches and resolutions, in which the Catholic tenantry are devoted to extermination from the lands in which they and their fathers have toiled, unless, besides paying their rack-rents, they deliver themselves up in abject vassalage to the lords of the soil?" Do you recollect such a passage in the letter of the Roman Catholic bishop of the diocese,

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diocese, dated in Carlow?—I do, and I will tell you my reason why I recollect it. On one occasion, I addressed myself a letter to the Roman Catholic electors of the county, and I went into an historical detail of that party called the Tories for 40 or 50 years, and I showed historically that it so happened, that there was not a concession ever made to the Roman Catholics of Ireland, that it was the Tory party that granted that concession. I wrote that letter in reply to the bishop.

11591. Do you recollect in the year 1830, shortly after the Emancipation Bill passed, that many Roman Catholic priests addressed their flocks, desiring now they had obtained their civil rights, that their chapels should no longer be allowed to be places for any political agitation or discussion; and that in the pastoral letter from the bishops to their clergy and to the laity as well, they highly praised these very men who formed the late administration, and who are accused by Dr. Nolan of having "since the accession of the ministry caused two or three sanguinary tithe massacres, if not by their orders, certainly in the well-founded hope of protection and indemnity from them," so that in this letter the Roman Catholic bishop holds out the very men who composed that ministry, and who granted Catholic emancipation as the persons who are capable, if not of encouraging massacres themselves at any rate, that acts were perpetrated in the well-founded hope of protection and indemnity from such massacres?—I saw two documents to that effect in my time; the first document, after emancipation had passed; I called that reverend bishop's, Nolan's, attention to it; it was a document signed by Dr. Doyle, Dr. M'Hale and others, in which they praised the Duke of Wellington (the meeting took place in Dublin) as the saviour of his country, and that he was the greatest man of modern times, to whom the Catholics of Ireland were to be for ever grateful. They, however, have since forgot their pledges when they stood in the way of their spiritual aggrandizement.

11592. Was that before the passing of the Reform Bill?—It was. The second document, I can recollect perfectly well (that I also quoted), was the pastoral letter issued by the bishops of Ireland after the passing of the Reform Bill, and quoted by Mr. Croly in his pamphlet, wherein they denounced the clergy who would hold meetings in their chapels, or meddle in any way, directly or indirectly, with political agitation.

11593. Then is it your opinion that many of the bishops in their addresses to their clergy, stating whether political agitation and political discussions in chapels is to be permitted or not, depend on the individual opinions which they may entertain of passing political events?—Yes, I should suppose it depends on the individual opinion of whatever bishop may think proper to separate himself from the general body, and address a letter to agitate the county; I recollect on that occasion contrasting the conduct of Dr. Nolan in that letter with the pastoral of all the other bishops.

11594. Will you hand in the letter to which the previous questions have referred, and from which the extracts have been taken?—This is it:

[*The Letter is as follows*:]

Braganza House, Carlow,
7th January 1834.

Dear Reverend Sir,

HAVING been consulted by some of our clergy on the expediency of our taking a part in the present elections, I deem it necessary to address my answer generally to the priests of at least this part of the diocese. My wish, as it is the express wish of all the Catholics in Ireland, is, that we should, if it were possible, keep aloof from all interference in political concerns. This, however, must be subject to the modification of circumstances; and I am decidedly of opinion, that the present critical and most important juncture of public affairs not only justifies, but imperatively calls for our most active and energetic exertions. I will state my reasons briefly. The best and dearest interests, religious as well as political, of our people and country, are at this moment at stake. A new administration has been called into power, avowedly for the purpose of supporting the temporalities of the Church, by law established, and the principles of the Tory anti-reforming or Conservative party in England and Ireland. His Majesty, desiring to ascertain whether a ministry, formed for such objects and on such principles, shall be likely to possess the confidence of the nation, has dissolved the late Parliament, and calls on the electors to make known to him their wishes and opinions, by the free and independent exercise of their legal right of choosing their representatives for a new one. The present general election then is the most important that perhaps ever occurred in this country, for on its result depends the future improvement, peace and prosperity of Ireland, or the perpetual continuance of the poverty, misery and degradation of her people. Shall we then stand by as idle spectators of so momentous a contest? We are so completely identified with our people in all their interests and in all

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their sufferings, I answer, emphatically, no! The people stand in need of our assistance in this emergency, and we owe to them our most zealous co-operation in an object so evidently good, as their peaceful and legal endeavours to free themselves from the thraldom of Conservative oppression, and the crying grievances of an unjust and sanguinary tithe system. We are bound to give them our assistance by instruction, advice, exhortation; and it is necessary to explain to the electors the real nature of the question on which they are now called on to determine by their votes. The question before the electors now is, not whether this or that candidate be a man of wealth or limited fortune, a man of amiable manners and private worth, or a haughty aristocrat and bad landlord, a man of mental powers and literary acquirements, or a half-educated squire; but simply this will they, by their votes, do all in their power to support an administration which is determined to check the progress of salutary improvement to all the civil institutions of the empire; to uphold and perpetuate in Ireland the enormous abuses of a Church establishment, from which the people never received aught but evil; to place the education of our youth in the hands of proselytising fanatics, and to deliver the Catholic population again to the domination of the old ascendancy faction. Need the electors be informed of the true character of this ministry? If they be unacquainted with the professed and uniform principles of the men who compose it, passing events will tell them, two or three sanguinary tithe massacres have occurred since the accession of the present ministry to power, not perpetrated indeed by their orders, but certainly in the well-founded hope of protection and indemnity from them. Are they to be informed of the Tory or Conservative principles? Surely they cannot have so soon forgotten those notable speeches and resolutions, in which the Catholic tenantry are devoted to extermination, from the lands in which they and their fathers have toiled, unless, besides paying their rack-rents, they deliver themselves up in abject vassalage to the lords of the soil. Here again is the plain question for the electors: Will they give their support to such a ministry, their sanction to such principles, their approbation to such proceedings? Can any honest, independent, conscientious freeholder, particularly can any Catholic freeholder, who desires to see the reign of justice, charity and peace in his native land, do so? I should be extremely sorry to answer in the affirmative. Let not the electors be deluded by specious and plausible professions of liberality from any candidates whom they know to be identified with the party, to whose bad principles and selfish anti-national interests, the new ministry is pledged. The question, at the present crisis I repeat, is, turns not so much on the personal merits or demerits of any individual candidate, as on the paramount interests of the country, and the well known principles of the Tory Government. After having explained to the freeholders of your parish the real state of the question on which they have solemnly to decide, your duty, sir, is to instruct them in the conscientious obligations of electors, for they are not to understand that the elective privilege is intended by the laws as a matter of traffic, to be disposed of for private emolument or favour, but a sacred trust confided to them for the public good, and therefore to be exercised for the public good, with strict adherence to integrity, and according to the pure dictates of conscience. Their attention is to be most particularly directed to the nature and obligation of the oaths which are to be administered to them; the oath of qualification and the oath against bribery. However, I am so fully convinced of your own competency to give the necessary instructions on this important subject, that I feel it sufficient now merely to advert to it. Impress on the minds of your people the great importance of unanimity. Unanimity constitutes our strength; division, always the bane of our unhappy country, would now be fatal. If the honest independent freeholders, without distinction of creeds, stand together with one heart and one mind in the peaceful assertion of their constitutional rights, they must be triumphant; the power of their opponents shall be as chaff before them, and they may laugh to scorn the vindictive threats of disappointed ambition. The popular election committee has already given the example of that unanimity, and a proof of the total absence of all sectarian views and prejudices from their councils, for, though principally Catholics, they have preferred in their selection of candidates for the borough and county, three Protestants to three Catholics, of wealth, talents and respectability. Above all things exhort them to observe inviolably strict obedience to the laws, and a peaceful, sober, orderly line of conduct. Implore of them to avoid all excess and intemperance; to abstain from intoxicating liquors, and to "refrain themselves from all appearance of evil." Remind them of the necessity of practising patience and forbearance, lest they should be provoked to a violation of the peace by designing and evil-minded persons. In conclusion, sir, I do not hesitate to say, that it is at this juncture indispensably necessary that we exert for the common good of our country all our energy and zeal; but I trust it shall be with prudence and charity, and in a manner befitting the sacred station which we have the honour of holding, in order "that he who is on the contrary part may be afraid, having no evil to say of us." "Be vigilant," therefore, "labour in all things," rebuke the unquiet, comfort the feeble-minded, support the weak, be patient towards all men. See that none render evil for evil to any man, but ever follow that which is good towards each other and towards all men, and may the God of Peace himself sanctify you in all things, that your whole spirit and soul and body may be preserved blameless in the coming of our Lord.

I remain, &c. &c.

To the Rev. ——

Edward Nolan, Bishop, &c.

11595. After the election in 1832, you stated there were various observations and addresses made by the priests in the chapels; did these addresses excite the people to such an extent, that they opposed and showed marks of disapprobation towards

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towards Messrs. Bruen and Kavanagh through the country?—They did, and to every person who appeared in their interest.

11596. Did any individual express to you a fear of death, in consequence of the threats that were then held out, a person of the name of Galivan for instance?—Galivan called on me at my office, and he told me that he greatly apprehended, in consequence of the speeches of the Messieurs Walsh at the chapel, that his life would be taken, his horse having some time previous been shot while his wife was sitting in the car; but he told me that, come what may, he would vote for Mr. Kavanagh.

11597. Were meetings held at the cross roads by priests generally throughout the county, and did they denounce those who voted against their wishes by name?—I heard so; I went to some of the meetings myself where they were published to take place; it so happened the days I so went the meeting did not take place.

11598. Did you yourself hear the priests of Bagnalstown, in 1832, give directions as to exclusive dealings, and not holding communication with any one who voted for Mr. Kavanagh and Bruen?—Not in 1832, but in 1830 I did; I heard the Father Phelan and Father Corry state, that no man should deal with any one who did not vote for Sir John Doyle and Mr. Blakeney.

11599. Did you know of a Mr. Stanley Johnson's house suffering, in consequence of the threats and the directions held out at that time?—I saw the windows broken of Mr. Stanley Johnson, baker in Carlow, for not voting for the popular candidates.

11600. Do you attribute it to the directions given at that time?—I attribute it to the general feeling in the county.

11601. Had he voted against the liberal candidate Sir John Doyle?—He did vote against him.

11602. Did you see upwards of 2,000 persons marching from Castle Dermot with flags and banners, and Mr. O'Connell's effigy, and "God save the King" under it?—I did; that was the fourth day of the late election; "God save the King" was not under Mr. O'Connell's effigy, but at the back of the flag, suspended from an arch.

11603. Were these 2,000 people riotous?—No, they marched with music, flags and banners through the town.

11604. Did they do any mischief or injure any property?—I did not hear that they injured any person passing through; but the shops were immediately shut as they passed through; there was great apprehension that a riot would take place in various parts of the town.

11605. With reference to 1835, who proposed or seconded Mr. Raphael?—Father Tyrrel made a speech, and Father Maher made a violent speech; and I think it was both those seconded Mr. Raphael.

11606. Were you the editor of the Carlow Sentinel in April 1835?—I was.

11607. You have adverted in your evidence to the conviction of a person of the name of Cody?—I have.

11608. Did you know that very newspaper denounces the jury for not having found the other parties guilty?—I might, I am not exactly certain; I did not look at that part of the paper, and I only got it this morning.

11609. There is the following paragraph in your paper: "The jury did not agree, it appears, as to the guilt of the other parties, although all the witnesses swore they were leaders in the riot; how they could, by any casuistic volition of the mind convict one and disagree about the guilt of the other conspirators, is a question for the consideration of a disciple of Ignatius Loyola; the majority of the jury were intelligent and respectable men, while the minority belonged to that class of fanatics who partook themselves in these savage gambols at the chapels, and in all cases when the interests of the community were at stake; such persons should be challenged by the Crown, and a jury of independent men selected, who would not only protect the innocent but maintain the laws by the conviction of the guilty. We have heard that one reason assigned by a juror for not agreeing to a verdict, was his belief that it was impossible that a riot could have taken place in a chapel. What a notion such a blockhead must possess of the hallowed purity of the chapel walls, and the supernatural agency of the old priest"—you are the author of that paragraph?—I am; I will state my reason why I wrote the paragraph; there were some of the jury complained to me that there was one man named Muldowing on the jury, and he became perfectly refractory—would assign no reason why he would not agree to a verdict; as to the other two—for that the evidence

evidence was equally as strong against the other two as against the man that he agreed to find guilty—when asked his reason why he would not agree, he said, he thought it was impossible a riot could take place in a chapel at all.

11610. Roman Catholics sometimes complain of the manner in which magistrates administer justice?—They do, and I think unjustly. It forms one item in the agitator's list of grievances.

11611. And you in that paragraph took it upon yourself to pronounce a strong censure on the course adopted by a part of the jury?—That frequently happens to be necessary in Ireland. A jury are sometimes afraid to act, at other times they will not act at all; in that case every man has a right to express his opinions. It was my own individual opinion I gave in that paper, and I was justified in so doing.

11612. Have you, in your newspaper, vindicated the right of the landlord to exact the rent from the tenants in a rigorous manner in case the tenants should not vote according to their desire?—Indeed I dare say I have; it is very probable I should have done so.

11613. Are you the writer of these words: "But then 'they were served with latitats for a half year's rent.' This to a certain degree must appear a misdemeanor in the eyes of the sovereign powers of Braganza. So an ungrateful tenant, who bids defiance to his landlord, and joins the forces of his enemies, must be indulged until he can first pay the O'Connell tribute; secondly, the priests' dues; thirdly, to contribute to election funds, and lastly, if any surplus remains, why the elector must look to his own wants, and then the landlord is a tyrant if he presume to step on the patriot's threshold to demand his rights, and he is denounced by the priests, who drive the people to despair because he does not submit to their brutal dictation, and indulge the refractory tenant until it suits his pleasure or convenience to pay him:" you wrote that article?—I did. I beg to remark, that this article was called forth in reply to a furious attack made by Father Maher on Lord Beresford: the article is headed "The Reverend J. Maher—County Carlow Landlords—Evening Post." The article was called forth in reply to the attack on Lord Beresford by Father Maher. I did write the article.

11614. You vindicated Lord Beresford for the course of proceeding he adopted with regard to his tenants, in reference to the elections in that article?—The case was put hypothetically. I did not admit any thing at all there; but I took up the priests' own argument, and said—"I deny Lord Beresford had done so, but I put the case hypothetically;" in case the landlord had so acted, I said he was justified, in consequence of the priests' conduct, who are mulcting the tenantry and abusing landlords.

11615. Did not Father Tyrrel justify Lord Beresford as well as yourself?—Unquestionably, in much stronger language than I could use, for he was acquainted with all the facts connected with his parish.

11616. And he attributed gross misrepresentation to Father Maher, whom he termed the "Censor General" of the county of Carlow?—He did. That had reference to the same matter.

11617. How long have you been residing in Carlow?—I suppose about six or seven years.

11618. You became the editor of the Morning Post?—I did, under the conditions I have mentioned.

11619. Did you, when you were editor of the Morning Post, ever make speeches in public meetings?—I never did.

11620. And what time did you become the editor of the Carlow Sentinel?—It was after my leaving the Morning Post.

11621. At what time was it?—It was about the year 1831. I think either 1830 or 1831.

11622. Mr. Dowling was the proprietor and you were the editor?—We were both joint proprietors; he was the person who was the principal proprietor.

11623. Will you be so good as to be specific as to the time you became editor of the Carlow Sentinel?—I was editor from the time of its foundation; but I was not, as I said before, the principal; I was merely nominally a proprietor—part proprietor.

11624. So that from the time of its original establishment down to the present time you have continued the editor of the Carlow Sentinel?—Yes, but under quite different circumstances.

11625. You have continued from its original establishment down to the present

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time to be its editor, and at the first establishment you were a joint proprietor with Mr. Dowling?—Yes.

11626. This paper is the Carlow Sentinel of November 12th, 1831?—Yes, so I perceive.

11627. It was about that time it was established?—I dare say it was about that. It was established when I was from home, and about six weeks established before I took the management of it.

11628. You just now stated to the Committee you were the editor from the very establishment of that newspaper down to the present time?—So I considered myself, although I was not immediately on the spot. There were various writers beside me that contributed.

11629. When you stated you were the editor, did you mean to say you were never absent from Carlow on a day, or that you are responsible for every day?—Never; I was often a week from home.

11630. Now, in the Carlow Sentinel of the date which has been mentioned there is a declaration made to the public of the course which that paper is to pursue?—Yes, I saw that. I never wrote the article: it was written by a person who resides in the Queen's County.

11631. The following is the article: "Never have we addressed our friends and fellow-countrymen with more unfeigned satisfaction, or under more favourable auspices, than on the present occasion; when, as independent journalists, solely responsible for our actions, we are enabled to take the field against the malignant enemies and insidious calumniators of our country. It is not necessary, in the commencement of our career, to speak more favourably of ourselves than perhaps we deserve; nor do we deem it essential to state those motives which actuate us in establishing a public journal to advocate the cause of an oppressed and impoverished people. We have always maintained that 'acts and not words' are the best criterion to judge of the conduct of public men: on this principle, then, we do not hesitate to appear before the independent and intelligent inhabitants of this and the adjoining counties, as well as our country generally, and claim the only reward that we could reasonably aspire to—namely, that we have been indefatigable and consistent in the discharge of our duties to the people; and that we have steadily maintained the interests of the public against the combined interests of a sordid and unprincipled aristocracy, who trampled with impunity upon the liberties of the public, and held within their withering grasp possession of this county nearly half a century. We contended against the magisterial oppressor on the one hand, while we had to protect the poor from the rapacity of the parson on the other. If we necessarily passed the ordeal of persecution, we feel proud of it, as these are only casualties to which all public writers are liable when arraigning the oppressor and combating for their country's rights; for we maintain that no man is fit to conduct the public business but he who, in defiance of dangers and difficulties, laughs to scorn the malignity and persecutions of his enemies. We have boldly urged the claims of truth, of justice, and of humanity. We have never been the slaves or sycophants of those in power, and we are not the tools or partisans of any party; so we shall continue free and unshackled, without fear, favour or affection, to advocate the rights and liberties of our native land. We aim at nothing but equal justice, to which all are entitled, and we maintain that Governments, in order to fulfil the duties which they owe to the governed, should be founded in equity, justice and humanity, and the laws should be administered holding these sacred principles in view. But finding that the sordid selfishness of a faction has debarred us of all those privileges which, as free subjects, we should enjoy, and that the ruthless enemies of our country are revelling, at our expense, in places, pensions and sinecures, we have selected as our motto, and as the polar star which shall guide our future movements—

'IRELAND as she ought to be.'

Viewing, as we do, those anti-christian enactments on pretence of supporting religion, as one of the most shameful monopolies and crying grievances which could exist under any constitution, we shall continue with unabated zeal to combat the presumptuous pretensions of arrogant churchmen to that odious impost which is gleaned from the pockets of the poor, and will, without valuing the menaces of the parson, expose every instance of oppression that may come under our cognizance. We trust we have afforded our readers an ample illustration of our political principles, not taking into consideration that they are long written, and

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before the public. Suffice it to say, that 'from the enemies of our King and country we will neither take nor give quarter.' As staunch Reformers, we shall stand by the measures of our most gracious and patriotic Sovereign in his exertions to effect a national regeneration. So, kind reader, you cannot expect that we shall for the present continue a further detail of our political creed, as we have been hitherto faithful to the trust reposed in us. We have only then to add, that we return our most grateful thanks to our friends for the generous, disinterested and extensive support with which we publish our first number, and the only promise we can make, by way of returning favours, is, that they may rest assured the Sentinel shall be ever found at his post." That article appeared in the first number as a prospectus of the paper of which you were the editor from the commencement, and in which you were also from its commencement a part proprietor with Mr. Dowling?—Yes; but I had no cognizance of that article.

11632. Was your name entered as a proprietor with Dowling at the Stamp Office?—Mr. Dowling was in the habit, during my absence, of writing my name, with my authority, of course.

11633. Was that paper sent up to the Stamp Office with your name to it?—That I am not aware of. I cannot positively state. I dare say it was.

11634. Did you make an affidavit that you were proprietor of this paper at the time of its commencement?—We entered into the usual securities.

11635. That is to say, you made an affidavit you were proprietor?—Unquestionably. That was three weeks before that appeared.

11636. Now, the following article appears in that very paper, the heading of which is in Roman letters:—

"THE ESTABLISHED CHURCH—THE APOSTOLIC HIERARCHY.

'I pity the said punishment
The wretched caitiffs underwent.'—HUDIBRAS.

"The treacherous and disgraceful conduct of the mitred barons during the late disastrous proceedings in the House of Lords has, as we expected, excited the indignation of the whole empire. It is to the ecclesiastical plunderers that the people attribute the temporary defeat of their new Magna Charta, and though that measure must ultimately succeed, despite the flagrant worldly-mindedness and insolent disloyalty of the spiritual anti-reformers, never can this foul spot on the church be erased from the memories of Irishmen. It will stand recorded on the pages of history to warn future ages against the danger of allowing a besotted and pampered hierarchy to disgrace the legislatorial office by voting against the liberties of an enlightened people. In vain did those infatuated men seek to shelter their law edifice from inquiry, and that salutary correction of abuses which it so notoriously requires. The ocean-tide may be arrested for a moment by a barrier of sand, but may not the accumulated waters overwhelm those who trust to so feeble a defence? But the manifestation of popular feeling against those right reverend Tories is not confined to the streets or public highways even in the exercise of their religious duty, they have been interrupted or impeded by unequivocal tokens of the indignation of their fellow-countrymen. We, in common with every lover of social order, most cordially deprecate that lawless destruction of property and brutal violence which followed the rejection of the bill, inasmuch as it will furnish the lying Tories with abundant means of continuing their opposition to the ministry. It is not by such means that the indignation of a robbed and insulted people should be expressed, for they should be aware that any opposition to the constituted authorities, whilst it must tend to embarrass the ministry, is also beneath the dignity of the sacred cause which we advocate. How then, it may be asked, are the people to give expressions to their feelings respecting the treasonable conduct of the right reverend Pharisees who defeated the Reform Bill. The answer is self-evident. Let those mitred knaves be deprived of the power of doing further mischief by relieving them from the disagreeable duty of interfering in politics. They have blindly invaded the prerogative of the Crown; and as a reform in the House of Peers is now deemed as essential to the well-being of the country as a reform in the House of Commons, let the churchmen be cut off from the state, and the people will have sufficient satisfaction. There is only one way of dealing with the lawn-sleeve gentry, and that is by constitutionally depriving them of all temporal power. There can be no excuse for the conduct of those misguided men. It was not the sudden impulse of an unguarded moment. They understood the subject in all its bearings, and, nevertheless, with incredible

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blindness to the signs of the times, they deliberately rejected a measure demanded by the nation, advocated by the ministry, and sanctioned by the King; and having assumed their position, upon their own devoted heads be the consequences. Too long have those aproned hypocrites been permitted to revel in luxury and idleness, on the pretence of being indispensable to uphold the divine doctrines of Christianity. To their rapacity are attributable all the burthens borne by the many, and all the corruptions wallowed in by the few; and, what we have frequently done before, we again warn them to avert from the church the fearful storm which is gathering. Let them make a virtue of necessity by quitting the stormy path of politics—let them, at all events, not await till they are pushed aside in the indignant march of an united people, who now demand that they shall cease to sit as peers. It is their wish—ay, and they will carry the point, and that, too, before long." That appeared in the first number of your journal?—Yes, so it appears; and I dare say I never saw it above once in my life.

11637. There is in the Carlow Sentinel, of the 3d of December 1831, a heading, "The Parsons—Standard Falsehoods," and the following passage occurs:—"It implies, then, we suppose, the gorgeous, profligate and anti-scriptural appendages of the Established Church. If so, how admirably adapted is the 'Protestantism' of the Standard to the advancement of knowledge, civilization and happiness. If we ask the destitute peasantry of Ireland in what consists Protestantism, we are unhesitatingly informed that it means 'tithes.' They are fleeced, plundered, and coerced into open violation of the law and the constitutional authorities, to support in luxury and idleness a class of intolerant bigots, 'who live only to eat;' and yet this mild, social system is that Protestantism that tends to our amelioration, and '*to the advancement of civilization and happiness!!*' If we inquire into the civil blessings which Ireland has enjoyed, under the paternal and mild sway of Protestantism, we find that in no country under Heaven were the people treated with more severity, ignominy and scorn." That article appears also in the paper of which you were the editor and part proprietor?—Of which I was the avowed editor.

11638. In the Carlow Sentinel of November 26, 1831, was the following passage:—"The gentlemen still retain the feelings and prejudices of the bad spirit by which they have been directed heretofore. They seem to forget that it has been deemed that the people are no longer to be despised, or to be driven as formerly with a rod of iron, at the will of their—yes, their oppressors." Is that a letter in your paper?—Yes.

11639. Here is an article on "Grand Jury Jobbing," of November 26, 1831: "We have frequently directed the public attention to the profligate expenditure of the public money on the roads and avenues leading to the houses of some of the above immaculate body; but finding that the jobbing squirearchy are continuing to ornament and improve their estates at the expense of the tax payers of this county, we feel it our imperative duty to expose the jobbers, and to exhibit to the public the only means of remedying those abuses. On one occasion, a road was projected at the public expense, through the intricacies and rocks of Mount Leinster, if we mistake not, to a shooting cottage; while in the opposite direction, and leading to Ballamurphy, the roads were impassable. The Rev. Mr. Walsh, of Borris, had frequently applied at special sessions to have a road repaired which ran through his parish, and would afford considerable convenience to the public; but he was a Catholic clergyman, and, of course, any application not coming directly from one of the aristocracy met with a refusal. Similar jobbing has been practised in the Queen's County, but its spirited freeholders adopted a remedy, by forming themselves into an anti-jobbing society, which effectually annihilated the corrupt influence of the oligarchy of that county. The following are the rules and regulations of the society, and are worthy the notice of the tax payers of this county: 'In the present depressed state of the landholders of the Queen's County, it is deemed necessary to form a society to expose undue assessments by grand juries, or by parish vestries, and to obtain redress. And they hereby resolve, that the object of such society is not only to prevent improper presentments, but to promote useful works absolutely necessary, and likely to prove generally useful. That persons holding 200 acres or upwards, subscribing 10*s.* per annum; those holding from 100 to 200 acres, subscribing 5*s.*, and such as hold less than 100 acres, subscribing 2*s.* 6*d.* per annum, shall be members of this society. That the members at large do select a secretary, treasurer and committee of members for each year. That the members at large do elect

elect three members as a baronial committee, whose duty it will be to attend road session, and to report to the secretary any presentments which may appear objectionable, excessive or not necessary. That the three members of the baronial committee be entitled to the expenses actually incurred by them in the discharge of their duty. That a general meeting of the members of the society be convened at each assizes, and that they adopt such measures as will enable them to obtain early information of all applications for charges on the county at large, as salaries to officers, building of court-houses and gaols, grants to dispensaries, compensation for lands taken up by new lines of road, compensation for malicious burnings, &c.; and that a majority of the members decide on what cases shall be traversed at the expense of the society. That the committee of the society be empowered to advance a sum not exceeding 3*l.* on a certificate, signed by 10 members not belonging to the parish, to enable parishes to appeal from vestry assessments or applotments?'"—That is so.

11640. Look to this article: "November 26, 1831. The Beresfords—Slyguff.—We felt no ordinary degree of satisfaction on a recent occasion, in announcing to the public that Lord Beresford had consented to permit his tenantry to rent the lands of Slyguff, and we did his Lordship the justice to state that his ungenerous and unfeeling conduct to his tenantry was attributable to the evil counsel of his underlings. Since that period, we find that those only who enjoyed large farms were permitted to retain them, while those who had comfortable cottages, with small holdings, were driven without compunction or remorse from their homes, and in conformity with the mild spirit of the Subletting Act. We ourselves witnessed the destruction of six houses, the property of poor but industrious men, who are driven with their families from their cottages at this inclement season, and thus from comparative independence are reduced to the sad necessity of seeking for shelter from the pitiless storm in wretched temporary hovels, or in the houses of their neighbours. The agent has, we understand, acted munificently on the occasion, by giving to each family the enormous sum of 5*l.*!! to compensate them for the losses they have sustained. This is an admirable mode of promoting the tranquillity and happiness of Ireland?"—That is so. As to the prospectus, dated November 12, 1831, it is necessary for me to state that article was never written by myself, nor any article that appeared in the paper for near three weeks. The articles that appeared from my pen were to be known to be written by a Protestant.

11641. Where were you?—I was in Dublin at the time. During that period there was a writer on the paper, who was at that time very violent in his politics, and he wrote the prospectus and other articles during that period. The brother of the proprietor was a Roman Catholic priest, and some persons from his parish had been in the habit of sending contributions. I remonstrated with that proprietor also, and told him that I should have no further connexion with the paper unless I was allowed to carry on the paper independently as I pleased myself. He told me it would be utterly impossible, as he could not go the same lengths that the Tories went, or the other party, for there was the Tory paper (the Standard) and a Roman Catholic paper (the Morning Post); and I told him, as he could not go the full length with either party, the best way was to pursue a moderate course, and uphold the rights of landlord and tenant. When I commenced that course, I was violently assailed by both parties; that was the year 1831, approaching the year 1832, when a general change took place altogether. Then a series of articles appeared in that journal from various persons and from various contributors, but particularly from one gentleman, who was, I believe, very violently opposed to the Church Establishment. About January 1832, I wrote myself a letter to Colonel Bruen, stating I would be no longer connected with the newspaper; and that if some other person was not procured for me as a partner, my labour would cease. I remonstrated with the proprietor; and he said, "If the course was altered the paper would fail;" and I said, "Fail or not, although it go down to the ground, I will not be connected with the articles which are frequently sent here from the Queen's County and the town of Carlow." Mr. Dowling consented to withdraw from the paper, and we procured a gentleman then, a Protestant, with a very considerable capital. I nominated him myself, as the person I wished to be connected with, and accordingly that change took place.

11642. What was the date of it?—I cannot exactly say; but the first change of the politics in the paper took place in this way: Mr. William Finn started for the borough of Carlow; Mr. Vigors started also; I was in the habits of friend-

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ship with Mr. Finn for a long time; and although he was opposed to my own opinions, I said I would support him in preference to Mr. Vigors, both being of the same political feelings: the Protestants preferred Mr. Finn; the Roman Catholic clergy opposed him very violently; gradually I opposed the clergy also, in support of Mr. Finn, and the paper became Conservative from the state of the times; I myself, wrote in consequence of their conduct against the Roman Catholic clergy, from that time and down to the period when Mr. Francis Bruen started.

11643. Did you write any one of those articles which have been put in?—I never wrote one of the articles that have been put in.

11644. Are you positive that you never wrote one of the articles which have now been put in to be recorded on the minutes of the Committee?—I never did.

11645. How could you be in Dublin purchasing type at the time; the paper had its type, and was in existence?—We intended to apply for the county printing; we had type in the office for the printing of a journal, but no type for job printing, and accordingly I was obliged to go to Dublin and look for a job-letter type.

11646. Are you sure that these avocations kept you at Dublin for some time?—It kept me perhaps a fortnight altogether there, going backwards and forwards in four or five days; we had to buy the type in several directions.

11647. You go in five hours from Dublin to Carlow?—In about six hours. I remained in Dublin three weeks together at the first establishment.

11648. Who did you buy the type from?—A portion from Mr. Shehan.

11649. The proprietor of the Evening Mail?—Yes, at the commencement; another part from Mr. Caldwell.

11650. When did you buy the type?—Subsequent to the 12th of November; I purchased the type for the paper itself; I purchased that from Mr. Shehan.

11651. You mentioned that you were the editor from the commencement; from the first appearance of the newspaper?—So I considered myself, and do this moment.

11652. The prospectus appeared in the first number when you were the editor?—When I was considered part proprietor with Mr. Dowling.

11653. Did you not state you were joint proprietor?—Yes, but I was nominally so.

11654. Did you not state your name was in the affidavit?—So I do.

11655. And that you swore you were proprietor?—Part proprietor; I was entitled to part of the profit; he was the principal person, because it was his capital that was engaged.

11656. Will you undertake to say, with the same accuracy that you would if you were on your oath, that the articles put in to be recorded on the Minutes of the Committee, were not written by you, but by some other person?—Yes; the man who is not solely the proprietor of a paper may have many articles put in which he does not approve; I have had 20 on my desk, and 19 out of 20 I have thrown aside, and would not show them the proprietor.

11657. Is it not the custom repeatedly for editors of papers to receive contributions, and that the proprietor frequently desires those contributions to be inserted when the ordinary and usual editor may disapprove of them?—Yes, that is as much a portion of the business as setting up the type.

11658. You have seen probably in the Times newspaper an explanation of the term that was used by it of "brickbats and bludgeons?"—I have.

11659. In which the editor admits that the article in itself was improper, but that he received that contribution from some other hand?—I have seen it.

11660. Do you not consider that what may happen to the Times newspaper, namely, that of a contribution being sent to it and inserted by one of the partners may also happen with a provincial paper?—Unfortunately it is too often the case when a paper is not conducted steadily by one hand.

11661. Then are the Committee to understand from you that the principles which induced you to give up your connexion with the Morning Post, and those principles which you now advocate in January 1835, although they may have undergone some change, have not undergone a change to the extent of attacking bishops as "mitred barons," and the abuse heaped on them; were not your sentiments in November 1831 any more than they are your sentiments now?—Never.

11662. Do you not conceive since the passing of the Reform Bill, that the abolition of sinecures and the rectification of abuses, can as properly be advocated

cated by you now as they might in 1831, even if you were a Reformer in that year?—Yes, just the same now; I would remove any thing I saw unjust in the British Constitution; I should as soon see excrescences pared off now as at any period of my life; but I would only do so with perfect safety to the institutions of the country.

11663. Do you consider yourself more inconsistent in politics in August 1835, being a Conservative editor of a paper, than other individuals of my Lord Grey's administration, who have considered, subsequently to 1834, that the course taken by the Government was one full of injury?—I conceive myself not so inconsistent, for I wrote from sheer necessity against the Roman Catholic clergy, owing to the state of tyranny in the county of Carlow being such that no Roman Catholic dare act independently, or give an independent vote, without consulting them; and being a man of temperate habits, I never assailed them until I saw the liberty of the subject endangered—until I saw law and authority overthrown, if not trampled in the dust, in the county of Carlow.

11664. You stated you published what you regarded as a libel on Father Kehoe on being indemnified?—I should have done that even without indemnity at all, because it was right I should do so. The Times newspaper, the other day, held out a threat that they would explain to the public who the writer was about brickbats and bludgeons. I may say there is one article about road jobbing that was written by Father Walsh himself.

11665. So that one of the articles referred to and put in as being your composition, and brought against you to show your inconsistency, was actually written by Father Walsh?—Actually written by Father Walsh.

11666. How do you know that?—When this article was put into the printer's hand by the other gentleman of the paper, I inquired who was the contributor; he told me the Rev. J. Walsh. The next paper is "Slyguff—Lord Beresford;" that article was written by Father Phelan, who paid for publishing it.

11667. Were you in Carlow at that time?—Yes; my knowledge of that fact is, that that article was sent in to the office, with a request from Father Phelan to have it inserted, and I believe three guineas were charged. I subsequently made inquiry through the county, and found it was unfounded. In my statement I referred to Father Phelan's own article, which he paid for three years before.

11668. You charged Father Phelan with this?—Yes.

11669. Is it not considered rather a deviation from strict rule on the part of an editor of a newspaper, to charge individuals with the authorship of articles in their paper?—No, and particularly not when they are paid for like advertisements. The priests keep faith with no man.

11670. But, in point of fact, these articles written by these two priests have actually been paid for?—They have actually been paid for insertion.

11671. You were a joint proprietor?—I was.

11672. Do you know the words of the affidavit of the proprietorship?—I cannot refer to the words, I will tell the Committee what I conceive the words are. It is a mere nominal thing when two or three men are joined in newspapers. I seldom or ever signed my name to the newspaper, the other gentleman would sign my name; that paper went to the Stamp Office, and in that way the words of the affidavit go.

11673. You received a portion of the profit?—I did.

11674. If you received a portion of the profit, you must have received an aliquot part of the money that was paid for the insertion of these attacks on the Beresfords?—I may, or I may not.

11675. So for the insertion of articles you now condemn, you appear to have received payment?—Certainly, they were sent in as advertisements.

11676. Does not the article appear as a leading article and not as an advertisement?—That is the usual tact done by the man who sends in the articles, they are inserted as if they were the articles of the editor himself.

11677. But you, the editor, insert them as leading paragraphs, and become the auxiliary of the libeller?—I am responsible.

11678. Your mode of conducting the paper, and your own political opinions have, probably, like those of other people, become more Conservative with passing political events?—Yes, with passing political events, and from the treatment I have received in various ways, I think it necessary in self-defence. More than that, the state of the county Carlow is such, that a regular division took place between two parties—there was one party called the "Finn party," and the Finn party opposed the priests, and joined the Conservative party from the necessity of self-defence.

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11679. And you are of that last party?—Yes, I was one of that party.

11680. You consider, therefore, there is nothing inconsistent in the writer of the prospectus entertaining the sentiments in the prospectus, and having altered his opinion since, inasmuch as, in your opinion, the conduct of the priests since November 1831, up to August 1835, has been marked by certain occurrences showing their improper interference in political matters?—Undoubtedly. I think the writer could be as liable to be charged with inconsistency in his opinions as any of those statesmen, who at one time supported one Government and another at another, either for place or pension. The writer's object was the defence of his country.

11681. Do you consider there is any inconsistency in the persons of high station in Lord Grey's administration, who had cordially supported that administration in obtaining Reform, seceding from that administration when it attempted measures of which their consciences disapproved?—I think they acted conscientiously, and I will quote Dr. Doyle, whose opinions underwent a change. He said "*tempora mutantur, et nos mutamur in illis*—the times change, so do I." And I can quote Mr. O'Connell: Mr. O'Connell says, "Consistency is a rascally principle!" He meant by the term "consistency," always adhering to one course, *per fas et ne fas*, right or wrong. Really that was his own expression.

11682. Do you not consider that you are, by supporting Conservative principles in the county Carlow, after what has passed during the last two or three years, supporting good order by upholding the interests of the landlords in the manner in which you advocate their cause in the paper?—I do consider myself solely for peace and order in so doing.

11683. Did you ever hear, on a late occasion, that Chief Justice Doherty, in charging the jury in the county of Carlow, made use of these words, which confirm the sentiments which you now profess, and which justify the conduct which, as an editor of a paper, you have advocated: "I am now sitting two days, and after what I have witnessed I have arrived at this conclusion—that the landlords of the county of Carlow are the most benevolent, indulgent and charitable men in Ireland towards their tenantry, and the tenantry, according to their own statements, must be the most contented and prosperous people on earth." Do you know whether those words were uttered by Chief Justice Doherty?—They were. I reported them; took them down in short-hand at the time, and published them.

11684. If the landlords are so benevolent, and the tenantry so happy and contented, what leads you to state the landlords and tenants are always on opposite sides in the politics of that county?—I believe the tenants would be perfectly contented—perfectly peaceable and orderly, and on the happiest terms possible with their landlords, but for the interference of the Roman Catholic clergy. Many of them have told me so. I can state their names, if necessary.

11685. And that interference you consider of recent date?—I consider it to have arisen within the last four years. I never saw an instance before; they were some of the most peaceable and orderly men imaginable until within the last three or four years, when they became violent demagogues, and aimed at supreme authority.

11686. Then suppose public liberty in the shape of reform has advanced, the interference of the Catholic clergy has risen in proportion to the concessions which have been made to popular freedom?—I apprehend that one concession only leads to the demand of another; and so on, *ad infinitum*, so far as the priests are concerned.

11687. From your own knowledge of the county of Carlow previous to the time you speak, was there that same benevolence existing, and were the tenantry so happy at that time?—I never heard a single complaint previously.

11688. And, in point of fact, you attribute the whole, at this moment, to the interference of the priests?—I positively do.

11689. And do not you think the people who are called Agitators urge on the priests, and compel them, in some sort, to become their auxiliaries in some instances?—I have heard, in other counties, that some of the priests were urged on; but in our county the priests are almost solely the agitators, and coerce all others to follow them.

11690. What, in your opinion, has led to this direct interference by the priests—you say it is recent—what has led so recently to that direct interference of the priests in your particular county Carlow?—I will give my own opinion. My own opinion is, that the clergy wish for an ascendancy, and I am perfectly of opinion that

that it is for the establishment of their spiritual supremacy they are seeking, and not for the ascendancy of the agitators, for they are labouring to put their own authority above that of law itself, which they frequently set at defiance; and to this point they are fast progressing if not checked by a legislative enactment.

11691. What plan do the gentry of the country, as far as you know, wish should be adopted by the Legislature for the purpose of extinguishing the influence of the priests?—Some intelligent men I have been speaking to would wish to see the Roman Catholic clergy paid, and by linking them to the existing Government of the country, they think in a great measure they would sever that great political tie between them and the people, and that that might lead them aside from agitation. Others think differently. Many Protestants I know advocate the former opinion. I really do think if the Roman Catholics of Ireland would think for themselves, many would preserve those moral ties between their friends on the one side, who may be ardent patriots, and their landlords; but there never will be peace and happiness in Ireland until a legislative enactment be introduced to render it penal for the priests to interfere in the political concerns of the laity.

11692. So that you would prevent the priests interfering, and leave the landlord armed with all his power to control the tenantry into a compliance with all his wishes?—My answer to that is, that if the priest did not interfere in politics, the landlords would have no necessity to exercise control, for I think every man would think for himself—remove the cause, and the effect ceases.

11693. On the other hand, if the landlord did not interfere, do not you think that the tenantry would vote in a manner different from the existing wishes of the landlord?—In many instances I think persons would; but I think the tenantry in general would unquestionably vote for the landlord from motives of gratitude, kind indulgence, and for their fostering protection, if allowed to think for themselves: They prefer their own gentry to any adventurer who may be forced on them.

4, Montgomery-street, Carlow,
August 6th, 1835.

Dear Sir,

About two o'clock to-day Mr. Hume, one of the Roman Catholic curates of this parish, called here and mentioned to me that he this morning received a letter from the Rev. James Maher, in which Maher informed him that he had been examined before the Intimidation Committee now sitting in London, and that in the course of his cross-examination the circumstances about which I had written to Dr. Nolan concerning the interference of Maher with Mrs. Burgess in the chapel last December had transpired (the letters on which subject you have, and as I before mentioned to you, are at full liberty to use as you may think most proper); Mr. Hume stated, he was directed by Maher to call upon me, and to get from me in writing or from Mrs. B., a refutation of those letters from me on the subject, or at least a document in writing, that I was convinced of the non-foundation of the charge or complaint I brought against Maher; of course I gave Mr. Hume (who appears an exception to the generality of his cloth) the only answer I could give him, namely, a refusal of his extraordinary demand, and a repetition of my sentiments upon Maher's unjust and improper influence with Mrs. B. to induce me to break through my word of honour before that pledged to you; he then retired, apparently convinced of the impropriety of Maher's request. I think it right to inform you of this, and also to state that, subsequent to the election in January, many obstacles were used to prevent Mrs. B. from attending in the gallery of the chapel, which she, under my directions, has overcome. I am rejoiced at the good news we had to-day from London about the breaking of Currin's vote, and that 16 more of the same class must be broken on the principle that Currin's was.

Wishing the Colonel and Mr. Kavanagh every success, which I should think the scrutiny must secure,

I have the honour to be, &c.

F. Bruen, Esq.

John Hewett Burgess.

Lunæ, 10° *die Augusti*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Mr. *John M'Cartie*, called in; and Examined.

Mr. *John M'Cartie.*

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11694. DO you hold any official situation in the county of Kerry?—I am collector of the baronial cess for the barony of Magoniky.

11695. Does that situation make you well acquainted with what has passed in the county of Kerry on electioneering matters?—Yes, on matters in general I am acquainted with in consequence of that.

11696. In your opinion what was the disposition of the freeholders at the last election in January 1835, as regards the candidates who were then brought forward for the county, namely, for the Knight of Kerry and Mr. Morgan John O'Connell?—I know a great many of them residing in the parish I reside in, were anxious to vote for their landlords and for Mr. O'Connell, to give one vote for Mr. O'Connell and one for the Knight of Kerry.

11697. The disposition of the freeholders at large was favourable to the Knight of Kerry?—I should think it was.

11698. Did you think from what you heard of his prospects previous to the election, and after the manifestation in public of feeling in his favour, he would have had the election secured to him?—I thought he would.

11699. What in your opinion occasioned the change of feeling which took place during the progress of his canvass and at the election?—At the time of the change there was a good deal of excitement, when Lord Kenmare caused his agent to canvass for the Knight of Kerry, and the tenants appeared anxious to support Lord Kenmare.

11700. To support his candidate?—Yes.

11701. Is Lord Kenmare very popular in that county?—Yes, he is.

11702. He has a considerable number of voters?—He has.

11703. He is a Roman Catholic?—He is.

11704. You conceive his giving his influence and support to the Knight of Kerry would, under ordinary circumstances, have secured the Knight of Kerry's election?—I am quite satisfied it would.

11705. And that there was every prospect of his success in the first instance?—Yes, certainly.

11706. Did you ever hear that Lord Kenmare intended to have been neutral during that election?—Yes, I have heard that.

11707. What caused his lordship to vary in his intentions, and to inform the freeholders through his agent, that he intended to support the Knight of Kerry?—I saw it in his own handwriting, that it was occasioned by a speech made by Mr. Daniel O'Connell from a balcony in Tralee.

11708. What was the nature of that speech?—I heard there was a death's head and cross bones to be laid at the door of any person that would vote for the Knight, and that the people were to vote according to his wishes.

11709. Did you ever see in the county of Kerry, in any paper or any placard, any report of a speech of Mr. O'Connell's, in which he threatened that a death's head and cross bones should be placed over the door of any man who voted against the popular candidates?—I did.

11710. Is that speech of Mr. Daniel O'Connell supposed to be the same as he uttered at Tralee in a public meeting?—That was the impression at the time.

11711. Was the impression of the Catholic freeholders as to the meaning and intent of that speech such that you think it influenced the electors by intimidating them, and preventing them from voting as some of them might have intended, for the Knight of Kerry?—That was stated to them; a great number of those persons were not capable I believe of forming an opinion upon the subject.

11712. You think that that denunciation had an effect in preventing their voting for the Knight of Kerry?—I do; I think the speech of Mr. O'Connell had.

11713. You mean to say they were afraid of the consequences if they voted in favour of the Knight of Kerry, after that denunciation, threatening them with the

consequences if they did so vote for the Knight of Kerry?—They were told so throughout the county.

11714. Do you think after they were told that if they voted for the Knight of Kerry contrary to the threat and speech of Mr. O'Connell, they feared they would suffer if they did so?—Freeholders told me so.

11715. You say that Lord Kenmare in the first instance was inclined to be neutral and to take no part in the election?—I heard so.

11716. And that the denunciations of Mr. O'Connell in the county caused him to change his mind and his agent, or otherwise, to inform the freeholders it was his wish that they should support the Knight of Kerry?—I saw it in Lord Kenmare's own handwriting, that that was his wish.

11717. You saw it in some document of Lord Kenmare's?—Yes, I did.

11718. To whom was that addressed?—It was addressed to the agent, Mr. Gallwey.

11719. Have you any copy of that letter?—I have.

11720. Will you produce it?—This is the letter: "Dear Mr. Gallwey,—You are aware, as the public must be, that it was my determination to take no part in the approaching election for the county. We are now arrived at a point beyond which forbearance is no longer possible; it is not now a matter of politics, the question at issue is, whether we are to bow our heads to a system of insolent dictation and intimidation; whether those freeholders who will not submit to be used as mere puppets by Mr. O'Connell are to be pointed at with impunity as objects of insult and assassination, for what other meaning can be attached to the denunciation, that a death's head and cross bones are to be affixed to the doors of those independent individuals who will not obey his mandates!!! when the mob in Tralee is told that those who will not vote as he dictates are to be dragged from the hustings and trampled under foot. Under these circumstances I am driven to abandon my original intentions, and have to request that you will convey to my friends and tenantry my desire and most earnest entreaty, that they will vote for the Knight of Kerry. I certainly do not think that I require too much from them when I ask for one vote from each. (signed) Kenmare."

11721. That letter expresses an opinion on the part of Lord Kenmare, a Roman Catholic nobleman, residing in the county of Kerry, that the denunciations of Mr. O'Connell had no other meaning than to excite to violence and even assassination?—It does.

11722. You therefore conceive that those threats by Mr. Daniel O'Connell were the cause, as expressed by Lord Kenmare in his letter, of his changing his opinion, and from a neuter, becoming an active partisan in favour of the Knight of Kerry?—I do.

11723. Are you aware whether the Roman Catholic priests upon that occasion took any particular part, or any active part in that election, either by canvassing previous to the election, or attending the votes during the election which took place in January 1835?—I am.

11724. State to the Committee any facts which have come to your knowledge, and on the accuracy of which you can rely, that they have so interfered?—I have been present when a Roman Catholic clergyman told the voters that they should not vote for the Knight of Kerry.

11725. Where did this occur?—It occurred in one of the Roman Catholic chapels.

11726. When the congregation were assembled for divine service?—Yes.

11727. What was the particular manner in which the priest described that, was it by mentioning the candidate by name, or generally that they should vote for the popular candidates?—He mentioned them by name.

11728. Do you consider, from the manner in which this took place, it was an actual canvass by the priest in his chapel during the time the congregation were assembled for divine service?—I do.

11729. Are you a Protestant or a Roman Catholic?—I am a Roman Catholic.

11730. Were you frequenting the chapel at the time?—I was.

11731. You have no doubt of the accuracy of the statement you now make to the Committee?—None whatever.

11732. Did you ever hear in any chapel any denunciations made against the Knight of Kerry, as an Orangeman, or a person adverse to the interests of the Roman Catholic clergy, or any causes assigned by the priests for their active interference

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terference against the Knight of Kerry, because he was an Orangeman or renegade?—I cannot recollect that he was called an Orangeman upon that occasion.

11733. Was he designated as a supporter of the tithe system?—He was: and they were told it would be voting against their country and against their religion if they did support him.

11734. Was that on the occasion to which you allude?—It was.

11735. Where was this?—In the chapel.

11736. In what chapel?—In the chapel of Knockbapill.

11737. Who was the clergyman officiating?—The Reverend Mr. Tuomy.

11738. Do you not conceive, from your knowledge of the peasantry of the county of Kerry, that an address from the priest under those circumstances was calculated to have a considerable effect upon the minds of the lower class of freeholders, in making them conceive, that if they did vote for the Knight of Kerry, they would be voting, as he termed it, against their religion and against the interest of the community?—I am quite satisfied it had.

11739. Do you know of your own knowledge of any effect that it produced?—I met a freeholder of that parish that promised to vote for the Knight of Kerry, and immediately on my coming out I was addressed by one of those persons, a freeholder, who said that after what he heard, that if I gave him the parish, as he termed it, he dare not vote.

11740. So that the denunciation of the priest actually had that immediate effect, that one of the freeholders who had previously intended to vote for the Knight of Kerry told you, if he were to receive the whole parish for his reward, he would not dare to vote for the Knight of Kerry after what he had heard?—He did.

11741. In your own opinion, exclusive of the particular fact which has come to your knowledge, any such denunciation made by a priest during divine service would have that effect?—I think it would.

11742. Did the efforts of the priest taking this political part excite the people to any acts of violence?—It excited them a good deal, they all changed from their former promises they had made, and, with very few exceptions, voted contrary to their former pledges.

11743. Did those of the freeholders who were in better circumstances, the gentry of the country and Roman Catholics, change their opinions and vote for the popular candidates in consequence of those denunciations and threats?—Not the better class.

11744. Were they, in consequence of adhering to their promise, and voting for the Knight of Kerry, subject to any personal violence, or threats of violence, during the election?—There was a good deal of excitement, a good deal of threats and violence previous to the election, not at the election.

11745. Threats of what kind?—A mob assembling and hooting, rioting with sticks, and various other things.

11746. Where was this?—At Killarney, to which I resort myself.

11747. Do you mean at the time of the election?—No, previous to the election, during the canvass.

11748. Was there any injury done to any one?—No personal violence that I know of.

11749. Was it any thing more than mere shouting?—Shouting and abusive language, very abusive.

11750. Did you ever know of an election passing without one side or another shouting and hooting?—No, never; but the shouting here was the most abusive to the gentlemen who were supposed to be the supporters of the Knight of Kerry.

11751. You have already said that you think that considerable numbers were induced to vote against their real wishes, and against their former promises, which were in favour of the Knight of Kerry, by intimidation and the denunciation of Mr. Daniel O'Connell, and the interference of priests within their chapels?—Yes, more by the interference of their priests, because they prevented persons.

11752. Do you think that interference of the priests turned the election against the Knight of Kerry?—I do.

11753. You are confident of that?—I am quite satisfied of it.

11754. Do you know any other instance than that you have related, where you were present and heard the priests address the people against the Knight of Kerry, and in favour of the popular candidates, any other instance in which priests interfered

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interfered with the election?—I have heard it was very general that there was no chapel in the county where the priests did not take a very active part.

11755. In the same manner as you heard that one priest in the chapel you frequent?—To the same effect.

11756. Have you heard this from Roman Catholic gentlemen on whose veracity and accuracy you can rely?—I have.

11757. Have you any doubt of the prevalence of the influence exercised by the priests within their chapels and during divine service, to turn the voters from their original promise in favour of the Knight of Kerry to the popular candidates?—I have not.

11758. Did the priests in the different baronies collect together the freeholders, and did they bring them up to the poll, keeping them as much as possible from the influence of their landlords?—They did.

11759. Did the priests as it were come to the hustings with those people?—They did; I saw them at the booths.

11760. This interference was so marked, they either marched at the head, or they followed the respective bodies of freeholders, and remained with them, so that the interference of the landlords could not be exercised?—In some instances they were never allowed to see their landlords at the election, the greater part of them, I know that from the voters in the neighbourhood; I never saw one of them; the reason assigned by one or two men who made their escape was, that they were locked up.

11761. Did these two or three who escaped vote for the Knight of Kerry?—They did.

11762. Do you yourself credit those reports coming from those individuals that were locked up?—Inasmuch as that I had seen none of the voters from my neighbourhood at the election.

11763. Did you ask to see them?—No.

11764. If you had asked to see them, would you in all probability have been enabled to get at them?—My opinion is that I would not.

11765. Could you have avoided seeing them if they had not been locked up?—I should, certainly, if they were at liberty in the streets.

11766. Were those freeholders as usual living at their own houses, or were they living elsewhere under the influence of the priests?—There was accommodation for all the freeholders on each side in the town, and I should suppose they were in one of those houses of accommodation.

11767. Were not the persons who voted for the Knight of Kerry kept in separate houses?—No, they were principally gentlemen, persons of the better classes.

11768. Do you mean to say there were no tenantry at all who voted for the Knight of Kerry?—There were some.

11769. Were any of the tenantry who voted for the Knight of Kerry kept in separate houses?—No, they were at liberty to walk about and do as they pleased.

11770. Were the freeholders whom the priests brought into the town at liberty, previous to having given their votes, to walk about as they pleased?—I never met those from my neighbourhood, I can speak only to that.

11771. Is it your opinion that those persons previous to voting were not permitted to walk about, but were kept in houses, so that they should not be seen but by the priests till they had voted?—I was told so by a voter.

11772. Was that man one who had been so kept?—He was; he had come away without his coat or hat.

11773. Do you mean to say there were none of the poorer classes from your neighbourhood who voted for the Knight of Kerry?—Very few.

11774. Can you state that there were not nearly half that voted for the Knight of Kerry?—Certainly not, there were very few exceptions.

11775. For whom did you vote?—For the Knight of Kerry and Mr. O'Connell.

11776. You were understood to state that the power of the priests was exercised to influence the electors upon this occasion?—It was from the altar, at the usual part of divine service, it was so on the occasion on which I myself was present.

11777. At how many such occasions were you present yourself?—I have heard one of the priests address on one particular occasion from the altar.

11778. You have stated that from other Roman Catholic gentlemen you have heard that the same exhortations took place in other chapels in the county, and you believe that practice to have been general previous to the last election?—I have heard that from respectable gentlemen.

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11779. Persons in whose veracity and authority you place confidence?—Yes.

11780. Was it at your own parish chapel that you heard this?—At the neighbouring one to the one I usually go to; Killarney is where I usually attend service.

11781. Was there any active intimidation practised against persons in trade, such as threatening exclusive dealing with them if they did not vote for the popular candidates?—On the occasion I allude to, the clergyman spoke of exclusive dealing.

11782. You heard the priest from the altar recommend exclusive dealing in case persons should vote for the Knight of Kerry against the popular candidates?—I have heard them say, if you have certain articles to buy, you must buy them at such and such houses,—those persons were persons supporting the popular candidates.

11783. Have parties, since those exhortations were made of exclusive dealing, suffered in their property in consequence of that system?—I think they have.

11784. In what way?—By persons who were in the habit of dealing with them withdrawing their custom.

11785. Has it gone to the extent of persons remaining outside during the day, and explaining to the people that they had better not buy at that shop, but go to another?—Not in my neighbourhood.

11786. Did you know of an extensive clothier, Murphy, suffering in consequence?—Yes, I have heard that he has.

11787. Where does he live?—In Killarney.

11788. Is that persecution continued at present?—It is; he has lost a good deal of business which he had previous to the election.

11789. Are you aware of any persecution which has been practised by the landlords in consequence of votes which had been given by their tenants; has Lord Kenmare persecuted his tenantry in consequence of their having voted contrary to his wishes?—Certainly not.

11790. Has any other landlord?—Not in my neighbourhood.

11791. Do you know of any in the county of Kerry?—I have heard of a landlord in Dingle driving his tenantry, I heard that immediately after the election.

11792. Suppose you had it stated to you that Lord Kenmare had asked for his half year's rents due, with great punctuality on this occasion, and that he had exacted the payment with great severity, from your knowledge of what has taken place at that election, should you state that Lord Kenmare has conducted himself with more than ordinary severity in consequence of votes given on that election?—No.

11793. Have you any knowledge whether Lord Kenmare has had recourse to distraining for his rent?—I am quite aware that, lest there should be a suspicion of that, the notices were issued one month later than they were usually.

11794. So that in order to prevent suspicion there has been a month's law more than usual in other years?—I have heard that from his agent.

11795. Have you heard of Lord Kenmare refusing permission to a tenant to buy limestone from certain quarries in consequence of the vote he gave?—I know Lord Kenmare has prevented lime and limestone from being got generally throughout the county.

11796. What do you mean by generally throughout the county, do you mean to say that he refuses to all his tenants permission to buy limestone, when it is almost necessary to the cultivation of their farms?—Without an annual application he does.

11797. Do you know any instance of the annual application being refused?—I have never been refused it myself; I am not a tenant of Lord Kenmare, nor do I reside upon his land, but I am obliged to make the application.

11798. Have you known any persons refused?—I have known persons refused.

11799. Have you known any tenant of Lord Kenmare's to be refused the annual application since the election, and have you known the reason stated why?—I have heard generally that Lord Kenmare withdrew his permission from all persons.

11800. From what persons?—From his tenantry, and as well from all others who had leave.

11801. From those who had not voted as he wished?—I have heard so.

11802. Did he equally refuse you?—Generally, every person.

11803. Has he refused you this year?—No, I have not as yet applied for it.

11804. Do

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11804. Do you mean to say Lord Kenmare has given a general refusal this year to all persons to take limestone?—I say he has been doing it for the last six or eight years.

11805. Is it his habit to do it?—It is.

11806. Not to grant it without particular application?—Without an annual application.

11807. Is it his habit to confine the permission to his tenantry?—No.

11808. Does he give the preference to them?—Yes, that has been the usual habit.

11809. But since the election he has refused that permission to some of his own tenantry?—I have heard so.

11810. You have already stated that Lord Kenmare is reckoned to be a very indulgent and good landlord?—Very much so.

11811. You cannot state to the Committee that he has, in consequence of his tenants voting against his wishes, exercised against them any unusual severity; on the contrary, you state that his notices for payment had been delayed a month longer in order to avoid the suspicion of his being actuated by any such motives?—I do.

11812. Have you heard of any prosecutions at Killarney sessions about the turning up land?—I had heard of that.

11813. Was it on any of those occasions absolutely necessary, for the proper cultivation of the land, that the surface should be burnt?—I have seen some of the land burnt.

11814. Is it not the practice in that part of Ireland to burn the surface?—It is usual when the land is bog.

11815. Have you ever heard of similar prosecutions of landlords against their tenants?—Often.

11816. Did you ever hear of similar prosecutions on the part of Lord Kenmare in any former instance?—I do not bring any particular case to my recollection of Lord Kenmare having done so.

11817. How many other prosecutions were there in this instance?—I really do not know.

11818. Were there 30 or 40?—I was not at the sessions.

11819. Did you hear that they were numerous?—I know only of one instance.

11820. Do you believe it was a singular one?—No, by no means.

11821. Was the man convicted?—I really do not know; I believe not. I was passing over the land, and my attention was directed to a particular field.

11822. What did you hear about that field?—I heard that Lord Kenmare's surveyor was prevented making the survey, and I saw that the field was turned up and red.

11823. This practice of persecuting for burning the land has been resorted to by other landlords in previous years?—Yes.

11824. Therefore there is nothing extraordinary in Lord Kenmare's protecting his property any more than any other landlord?—It is a very common thing to prosecute for the burning the land; I know last session there was a prosecution.

11825. Is it common to prosecute for burning the land where the burning the land is useful to the land?—In some districts it is usual; some think it useful, others do not; if they have a facility of getting lime, certainly not.

11826. You are aware, are you not, that if in England a farmer turns grazing land into arable contrary to the stipulations of his lease, he is liable to prosecution?—Certainly.

11827. Therefore any person burning land contrary to the stipulations or wishes of his landlord is equally liable in Ireland?—Certainly.

11828. Did you perceive any personal violence offered during the election to the son of the Knight of Kerry, Mr. Fitzgerald, who represented his father at the election?—I did.

11829. What was the nature of it?—Whenever he walked the street he was always followed and hooted and abused, as every gentleman who voted for the Knight of Kerry was.

11830. Were you yourself abused for voting for the Knight of Kerry?—I was.

11831. When you say he was hooted and abused, did that deter him from showing himself in the streets?—No, it did not.

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11832. It did not amount to any thing like intimidation?—Not to him; he was not affected by it.

11833. Were you ever present at a contested election in which there was not plenty of abuse?—This was previous to the election.

11834. Do you not know that it takes place in every place in England, Ireland, Scotland and Wales?—Certainly.

11835. Was there danger to the freeholders coming up to vote for the Knight of Kerry?—I know the freeholders would not have gone unless under the protection of their landlords, and that they requested to be conveyed there in the night.

11836. Such was their fear of personal violence?—It was.

11837. Was there any personal violence offered?—None further than this: I heard of stones being thrown at the coaches they were on; I have known at Castle Island some gentlemen who have voted had a parcel of mud and filth thrown at them.

11838. Was not the house of David Murphy attacked violently for the vote he gave?—I heard that it was.

11839. What rendered Murphy so obnoxious to the mob?—I believe it was because he voted for the Knight of Kerry.

11840. Do you know to what extent damage was done to Mr. Murphy's house upon that occasion?—No; I saw some of the windows broken.

11841. Do you know that it was proved at the sessions that only two panes of glass were broken?—I was present at the sessions, but I do not exactly recollect the number.

11842. Are you a tenant of Lord Kenmare?—I am not.

11843. Did the priests, to your knowledge, on the report of persons on whose veracity you can rely, in any instance refuse the rites of their church to persons who voted against them?—I did not hear that they did.

11844. Did any priest interfere personally with you when you had a freeholder in charge?—He did.

11845. In what manner?—When coming up to the hustings with those freeholders who had told me that they escaped, a priest rushed out of the court and seized on the freeholders; he said, you must vote with me, not for the Knight of Kerry.

11846. Who was the priest?—The Rev. Mr. Tuomy.

11847. What are the names of the voters?—Two brothers of the name of Curtin, I think John Curtin; the two brothers were together; he seized each of them, he pulled the freeholders, and I then asked the freeholder, Curtin, "Are you coming to vote for your landlord?" he said, "Yes, sir, I am;" upon which the priest said, "You shall not; you shall vote with me; you came here with me."

11848. Were you employed by any landlord to take the voters up?—No, certainly not.

11849. What induced you to ask the man whether he was going to vote for his landlord?—He came to me the night before, and I being his neighbour, as they knew I was interested for the Knight of Kerry, they came and put themselves under my protection.

11850. Did any freeholder ever tell you that the priest Falvery had refused the rites of his church to a man who voted for the Knight of Kerry?—Yes, that he would do so.

11851. Did you charge the priest with that?—I asked him whether what the man then present stated could possibly be the fact.

11852. What was the thing stated?—That he would neither christen nor baptize, nor perform any of the rites of the church; the man's name was Connor.

11853. Did the priest deny that he had said that?—He neither denied nor admitted it.

11854. What made you ask the man whether he was going to vote for his landlord?—The man followed me into the hall of the club-house, and said they regretted being obliged to change their opinions, and vote against their landlord Mr. Croney.

11855. What made you say, are you going to vote for your landlord?—I was quite satisfied they were going to vote for the Knight of Kerry, for they had proceeded then 12 or 14 miles on their way.

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11856. Was their landlord the candidate, or the Knight of Kerry?—The Knight of Kerry was the candidate.

11857. Had they been desired by their landlord to vote for the Knight of Kerry?—They had.

11858. Were placards posted up during the election, and circulated, telling the freeholders how they were to vote?—There were placards.

11859. Of what description were they?—I have got two of them with me.

[*The Witness produced the same.*]

11860. From whose office did those placards proceed?—I do not know as to any thing personal.

11861. Were they issued immediately after the affair of Rathcormick?—I really do not know, I cannot be precise as to the time.

11862. Have you heard on common rumour from whence they came?—I have heard that all the papers came from the agent's office.

11863. Who is that?—A Mr. Supple.

11864. Agent for whom?—I know he is agent to Mr. O'Connell.

11865. Do you mean for the election?—Yes, during the election.

11866. Have you seen any lists posted up in the market-place, distinguishing by religion those who had voted for the Knight of Kerry and those who voted for Mr. O'Connell?—I think that was the borough election, where the names were between Mr. Denny and Mr. Maurice O'Connell.

11867. Do you know any respectable Roman Catholic merchant who was placarded because he would not vote for Mr. O'Connell?—I have heard that Mr. Percival was placarded.

11868. Do you know whether several persons were placarded by the Knight of Kerry's people for having voted for Mr. O'Connell?—A nephew of Mr. O'Sullivan was placarded immediately after giving his vote, Mr. O'Sullivan saying he had allowed his nephew to vote for the Knight of Kerry, though he would not the poor.

11869. Who is Mr. O'Sullivan?—The parish priest.

11870. The parish priest, although he would not allow the exercise of individual opinion, but induced his parishioners in general to vote for Mr. O'Connell, in this instance gave permission to his nephew to vote for the Knight of Kerry against the popular candidate?—That was the subject of the placard, it was to that effect.

11871. Was there any particular reason why he was personally favourable to the Knight of Kerry, and gave permission to his nephew to vote; was there any particular feeling between O'Sullivan and the Knight of Kerry?—None that I ever heard of.

11872. Did the priest ever deny that?—Not that I ever heard of.

11873. Are you aware there was likely to be a riot in consequence of that placard?—Yes.

11874. Did the Knight of Kerry, or his friends, placard individuals?—That was the only instance I knew of.

11875. Did not the Knight of Kerry's party, in one instance, placard a Roman Catholic priest?—Yes, in one instance.

11876. Have you got that placard?—No, it was immediately torn down, there was very near being a riot; that copy was taken down at the time.

11877. Do you recollect that the name of another priest was placarded by the Knight of Kerry's party?—No; I might if I heard the name.

11878. The difference is this, the O'Connell party used placards to a larger extent?—I believe there was only one.

11879. There was the O'Connell placard on the one side, and the Knight of Kerry on the other?—That is what I just heard; I should not have recollected it, but it was mentioned to me at the present moment, so little impression did it make upon me.

11880. Did you ever hear that the Knight of Kerry's friends were exhorted by the priests from the altar to vote for the Knight of Kerry and against the popular candidates?—Never.

11881. Did you ever hear of any spiritual interference for the Knight of Kerry from the altar?—No.

11882. Did you ever hear that the rites of burial and baptism would be withheld

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held from the freeholders if they refused to vote for the Knight of Kerry?—Never.

11883. Have you heard of this interference on the part of the priests if the freeholders did not vote for the popular candidates?—I was told so myself by other voters.

11884. Have you heard the priest from the altar state, that the freeholders ought to vote against the Knight of Kerry, and for the popular candidates?—I have.

11885. You are sure this took place during divine service, and that the priest was officiating at the altar?—Yes.

11886. Was it during or after mass?—It was a little before the last Gospel, that is the usual time that the priest turns round to address the people.

11887. After the sacrifice of the mass was concluded, and when he generally addressed the people?—Yes, it was.

11888. Do not you know, that the Protestant clergymen interfere in elections, or contribute to the excitement of the voters on their side?—I believe they do.

11889. Have you ever heard a Protestant clergyman, during divine service, naming the candidates for whom he wished them to vote?—Decidedly not; I never heard of their expressing it at all in church.

11890. Did you ever hear that Mr. Brownlow was hooted and called Judas in a Protestant church, shortly after his vote for Catholic emancipation?—I do not recollect.

11891. Is it not the spiritual jurisdiction of the priests which gives them so much influence?—Yes, I think so.

11892. You say you are a baronial collector, when were you appointed?—At the last spring assizes.

11893. Is that since the election?—Yes, it was.

11894. When you were candidate for the office were you supported by a majority of the grand jury?—Decidedly.

11895. Were you, on a former occasion, a candidate for this office?—I was.

11896. Who was the successful candidate?—Mr. Brennan.

11897. If you heard it said, that Mr. Brennan had stated that he had beaten you by a large majority on that occasion, should you say that statement was correct?—Certainly not.

11898. What was the majority when Mr. Brennan on the former occasion beat you?—One.

11899. What were the numbers that voted on both sides?—Twenty-three was the usual number of the grand jury.

11900. When on the late occasion you were a successful candidate, what was the division?—I believe it was 19 to 4, I had 19 and he had 4.

11901. There were two divisions, one by the magistrates, and the other by the grand jury?—There were.

11902. Was this before the grand jury?—It was. The death of Mr. Gallwey, the late high constable or collector, was before the assizes a very short time; the magistrates had it in their power to elect an officer *pro tempore*.

11903. Brennan had a large majority of the magistrates?—Yes, he had; because he continued during the lifetime of Mr. Gallwey to canvass the magistrates.

11904. The majority to which you allude was a simple majority, which determined the appointment of the candidates before the grand jury, and not the result before the grand jury?—Just so.

11905. The numbers you have given to the Committee related to the final decision of the grand jury, and not the decision of the magistrates?—Yes.

11906. Lord Kenmare's agent supported you on the first occasion as well as the last?—Yes, he did.

11907. How long had Brennan held the office?—From 1830.

11908. Was there any complaint made against his administration of his office?—There were no public complaints; it is not for me to say, and I have a delicacy in saying any thing upon the subject.

11909. Did he not offer you on the last occasion to collect the cess at a lower rate than that at which you offered, or which you have since received?—He offered to collect it at four-pence in the pound.

11910. What is the usual sum received?—The grand jury have presented it to me at nine-pence in the pound; it was tried by the judge at the assizes, and he decided with the grand jury.

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11911. Do you not conceive that the grand jury are the best judges what the allowance should be, and that it is not a rule what a person when out-bated should offer to take it at?—I think that they are the best judges.

11912. Have you any objection to state what is the total amount you have received for collecting?—I have as yet received nothing.

11913. What do you believe to be the annual sum?—It is a per centage; it varies according to the amount to be collected.

11914. One year with another, at the rate of nine-pence, what will it be?—About 160*l.* to 200*l.* a year; I think the sum was, in the whole, last year 3,000*l.*

11915. The securities offered by Brennan were quite unexceptionable?—They were.

11916. He had been in office six years, and without any complaint brought before the grand jury, immediately after the election you succeeded in putting him out?—Yes; but I had determined, and had been requested to offer myself as a candidate on the first favourable opportunity.

11917. You let the assizes pass without putting it forward?—Yes, whatever the time was.

11918. Then came the eleventh assize; after a contested election the grand jury were all in favour of the Knight of Kerry; and they put out the man that had been collector, whose securities were unexceptionable, and against whom there had been no public charge?—Yes.

11919. You consider yourself at liberty to be a candidate for that office at any period which is most likely to be successful?—Yes, certainly.

11920. Is not Mr. Brennan equally liable at any future assize to be a candidate against you?—It is open at each assize.

11921. You did no more than had been done on the former occasion, in opposing yourself at what was considered a favourable opportunity to succeed before the grand jury?—It was, on the former occasion, owing to a person who was not in the habit of being in the county or on the grand jury, coming in and voting for Mr. Brennan.

11922. Who was that?—Mr. Rice, the father of the Chancellor of the Exchequer.

11923. Did he ever attend the grand jury for the ordinary business of the grand jury?—No; he was sent for upon this occasion in order to give a vote for Mr. Brennan.

11924. Which vote turned the election against you?—It did.

11925. Was Mr. Rice in the habit of attending the sittings of the grand jury, and taking a part in the ordinary business of the county?—I believe he was once or twice before upon the grand jury.

11926. Have not the Rices large estates in the county?—I believe Mr. Spring Rice has; I do not know as to his father.

11927. Did you, on your canvass the last time, obtain so many promises as to give you reason to suppose you should be elected, without reference to the election in the county?—Decidedly.

11928. Did they not state that they would have voted for you before if they had not been engaged?—I am satisfied that the gentlemen would have honoured me with their votes if the election never took place.

11929. Did Lord Kenmare interfere in obtaining your election, as Lord Lieutenant of the county, or as a great proprietor of land in that county?—His letters to his agent were as a proprietor, not at all connected with his official situation of Lord Lieutenant.

11930. Was there any other new officer elected as baronial collector at those assizes?—Yes, there was.

11931. Who was that?—Mr. Mahoney.

11932. Whom did he displace?—Mr. Macsweny, a nephew to Mr. O'Connell.

11933. Mr. Mahoney voted for the Knight of Kerry?—Yes.

11934. The person he displaced voted for the O'Connells?—I do not know that he had any vote, he was his nephew, therefore he was entirely in his interest.

11935. Brennan having been collector for five years, was there a public charge against him?—None whatever by me.

11936. Did not Mr. John O'Connell, when the matter was brought before the public, and you know that at present the business of the grand jury is done before

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the public, demand whether there was any charge against Mr. Brennan?—He did.

11937. Was there not an answer that there was no charge against him?—One of the grand jury got up and said he had a charge; that he had heard that he used his office of high constable for electioneering purposes or political purposes.

11938. When that gentleman said that he had heard that Mr. Brennan used his office of high constable for electioneering purposes, was the matter attempted to be proved by that gentleman? - No, he was a member of the grand jury.

11939. Did he attempt to prove it?—It was not required.

11940. Brennan is collector for five years, no public charge is adduced against him and investigated, his securities are unexceptionable, he offers to collect the baronial for less by half than you do, he votes for the O'Connell party and he is put out; and you, having allowed the five years to elapse without standing as candidate against Mr. Brennan, avail yourself of the assizes immediately succeeding the election, and having voted for the Knight of Kerry you are substituted in his place?—Yes.

11941. And another public officer, Macsweny, who never was opposed before, is removed from his situation, he being the nephew of Mr. O'Connell, and a person in the interest of the Knight of Kerry is substituted in his place?—He held two baronies.

11942. A partisan of the Knight of Kerry is substituted for him?—Yes, Mr. Mahoney has been put into one of those baronies.

11943. When you were defeated and Mr. Brennan succeeded, was your defeat not owing to one of the grand jury, Mr. John O'Connell, exercising his influence in favour of Mr. Brennan against you?—I am quite satisfied of that.

11944. Is not Mr. Brennan a cousin of Mr. John O'Connell's?—He is.

11945. You owe your former defeat to the interference of one of the grand jury in favour of his near relation?—Certainly, I do entirely.

11946. And you were at liberty at any time to offer yourself as a candidate for that office, and had intimated before the election that you should be a suitor and candidate for the office?—I had been often asked to offer myself as a candidate.

11947. Such was your intention?—Yes, on the first favourable opportunity.

11948. Therefore though you were elected after the election, your intentions were known, and you yourself having been defeated by the unusual appearance of Mr. Spring Rice's father and Mr. John O'Connell's active interference in favour of his relation, you thought yourself perfectly at liberty to be a candidate on the first favourable opportunity?—Yes, I did.

11949. Was the offer of Mr. Brennan to collect for the remuneration of fourpence in the pound made during the five years which he held the office?—No, it was not.

11950. This zeal of Mr. Brennan in favour of economy was shown at the time he expected to sustain a defeat in his election, and not during the five years that he held the office?—Certainly.

11951. Do not you know that the priests have sometimes used their influence in favour of the Knight of Kerry?—I believe on former occasions, 15 or 18 years ago, I have heard of their doing so.

11952. Though the Knight of Kerry did not relish them as antagonists, he was not at all displeased at having their influence as friends and supporters?—I suppose not.

11953. If you had had it stated to you that at the election in January last a Mr. David P. Thompson, the agent under the courts to Lord Ventry and the Mullins property, attended there with his book and took down the names, and also that a Captain Herbert, who is guardian to the minor Herbert, took down the names of persons who voted for the purpose of intimidating them, should you say that such was an accurate account of what took place?—I was in that booth alluded to; I never saw that done by those two gentlemen.

11954. How long were you in the booth?—For two days I should think.

11955. Which booth were you in?—In that Mr. Herbert was in, the ——— one.

11956. Which was the booth Mr. Thompson was in?—The ———, I believe was the barony of Caraquinny.

11957. Should you, from what you saw of Captain Herbert's conduct in that booth, state that it amounted to intimidation of the freeholders of minors' estates?—Certainly not.

11958. What

11958. What did you see him doing?—He was standing, in common with the rest of the gentlemen, at the table.

11959. Did you see Mr. Christopher Gallwey, agent of Lord Kenmare, and did he use any means at the hustings of intimidating voters by threatening them, and stating that he would slap an ejectment at them?—No, certainly not.

11960. Do not you think the very voice of an agent is a very formidable thing to the eye of a refractory tenant?—Indeed, I do not know; I was with Mr. Gallwey during most of his canvass, and never saw him use any intimidation.

11961. Do not you think that the presence of the agent, where the voters are voting against his wishes, has a deterring effect?—I cannot say, indeed.

11962. Giving all that weight to the presence of an agent, would it in your opinion have the same effect as a Roman Catholic priest being present?—I do not think it would, as I think when they are brought up by the priests, their power would have a great effect.

11963. Did you hear Mr. Gallwey, on the occasions of his canvassing, threaten the tenants with an ejectment unless they voted for the Knight of Kerry?—On the contrary, he told them Lord Kenmare merely wished them to give him one vote, that he asked it as a favour and nothing more, and upon that occasion, nearly every one of Lord Kenmare's freeholders said, no person should get it before him.

11964. Did they observe those promises upon the hustings?—They did not, they all along said they should give Mr. O'Connell a vote.

11965. Did they observe their promise given to Mr. Gallwey, to give one vote to the Knight of Kerry?—No, they did not.

11966. Was the circumstance of their breaking their promise, caused in your opinion by the interference of the priests?—It was, in my opinion.

11967. You yourself actually heard the priests from the altar canvassing against the Knight of Kerry, and in favour of the popular candidate?—I did.

11968. On former occasions, when the Knight of Kerry stood as a candidate, and was supported by the popular party, do not you know that the priests made sermons in his favour from the altar?—I cannot recollect at this moment; I never heard of an instance of an address from the altar until this election.

11969. There was a great exertion made against the Knight of Kerry?—There was.

11970. He had formerly been very popular in the county of Kerry?—Yes, he was.

11971. He had rendered services to the Roman Catholics?—Yes, he had.

11972. Do not you believe that if the Knight of Kerry had still adhered to the Whig party, commonly called the popular party, he would have been returned without difficulty in the county of Kerry?—I think he would.

11973. Do not you know that the Knight of Kerry voted against Parliamentary Reform?—Yes, I have heard so.

11974. Do not you know that he attached himself to those to whom he had been opposed?—It was so stated.

11975. Were not those circumstances calculated to produce a strong excitement against him, just or unjust?—I think they must.

11976. Are you not aware that the Knight of Kerry, in 1824, voted in favour of Mr. Hume's motion for the appropriation of the surplus of church property to secular purposes?—I do not recollect.

11977. Taking all those circumstances together, do not you conceive that the fact of the Knight of Kerry having changed his party, might produce a great deal of angry sentiment towards him upon the minds of those who were formerly his supporters?—It is possible it might.

11978. If you were to be told by the Knight of Kerry that though he voted in favour of the resolutions for reducing the larger church livings, and other purposes, he spoke upon the occasion alluded to by the previous question against the appropriation of church property to secular purposes, and protested against such an appropriation of church property, would you not credit the Knight of Kerry from your knowledge of him, that he had so acted?—I certainly would.

11979. Are you aware that in the year 1830, the Knight of Kerry was supported by the influence of the priests?—I do not at this moment recollect.

11980. Are you not aware that in the year 1830 the Knight of Kerry was in the same administration which he joined in 1835?—I cannot at this moment recollect.

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11981. Are you aware that the Knight of Kerry for many years of his political life has been kept out of office in consequence of his constant unremitting advocacy of the Roman Catholic claims?—I have often heard so.

11982. And that in 1829 and 1830 he was then in office, and had not the ill-will of the priests, for that he was then supported by the priests?—I believe so, from what I recollect, but my impressions are not clear upon the subject.

11983. So that in fact his taking office in 1831, was merely a reinstatement in the office he held in 1829, when he was not opposed by the Roman Catholic priests?—I should say so.

11984. Are you not convinced that while the Knight of Kerry conferred favours upon the Roman Catholics by his support of them, on the other hand, he was by their interest returned for the county of Kerry?—Yes.

11985. Are you not of opinion that if he had not supported Roman Catholic emancipation, he would not have been returned for Kerry?—I dare say that is the fact.

Mr. *Charles O'Connor*, called in; and Examined.

Mr. *C. O'Connor.*

11986. WHAT are you?—I am in no profession.

11987. In what part of Ireland do you live?—In Dingle, in the county of Kerry.

11988. Were you present at the election in January last?—I was.

11989. Did you witness any threats or violent language used by the priests in their chapels that influenced the voters at the late election?—I did previous to the election.

11990. What was the nature of the language used?—Father John O'Sullivan said at the altar before the election, that any person that would vote for that renegado the Knight of Kerry, he would not prepare him for death, but he would let him die like a beast; neither would he baptize his children, and that they deserved to be pelted as they went along, any person that voted for the Knight of Kerry.

11991. In what chapel did this take place?—In Dingle chapel.

11992. Did you hear it?—I did.

11993. Are you a Roman Catholic yourself?—I am.

11994. Were you attending the chapel in performance of your religious duties?—Yes.

11995. You are sure you heard those expressions?—Yes, I did.

11996. More than once or only one day?—Several days; two or three Sundays previous to the election, and after the canvassing.

11997. Can you name the days?—No, I cannot state the days.

11998. You are positive that on the Sunday previous to the election you heard Father John O'Sullivan use the language you have deposed to?—Yes, I heard it.

11999. Did he also threaten that no man should deal with them?—He did; he said that they should neither buy from them nor sell to them, any person that would vote for the Knight of Kerry.

12000. Do you know any instances of priests interfering with voters for the Knight of Kerry going to the poll?—I do; I saw a freeholder in Tralee during the election who got himself qualified in the Knight of Kerry's committee-room, and intended going in to vote for the Knight of Kerry; I saw the priest take him by the collar, and put him into the court-house; that was Father Thomas O'Sullivan, and he put him on the table in spite of him.

12001. What was the name of the voter?—Millingar.

12002. What is he?—A freeholder.

12003. Where?—In Dingle.

12004. Whose tenant is he?—Lord Ventry's, I think.

12005. How did he ultimately vote?—He voted for Mr. O'Connell and Mr. Mullins.

12006. Is not Mr. Mullins a cousin of Lord Ventry's?—I am told he is; I always heard that he was.

12007. You believe him to be so?—I do.

12008. How are you sure that this man intended, before he was seized by the priest, to vote for the Knight of Kerry and not for the popular candidate?—Because I happened to be in the committee-room a few minutes before that; he went into this

this committee-room, and he told me that he intended voting for the Knight of Kerry.

12009. He was considered by the Knight of Kerry's committee to be a freeholder who had intended and promised to vote for him?—Yes.

12010. He was to your knowledge seized by the priest and taken into the court-house, and, as far as the influence of the priest went, coerced to vote against the Knight of Kerry?—Yes.

12011. Was that the same priest who made the declaration at the altar?—No, another of the name of O'Sullivan.

12012. Did you ever hear that this priest also denounced the Knight of Kerry?—Yes, he did, I was in the chapel.

12013. What did he say?—He told the persons not to vote for him, that they would be under moral excommunication if they voted for the Knight of Kerry—that renegade, the Knight of Kerry; he said he vowed to Heaven he would look upon that person who would become an apostate to his religion and turn his back upon it, in a milder light than he would on that traitor who would vote for the Knight of Kerry.

12014. You heard this?—Yes.

12015. When was that?—On one of the Sundays previous to the election.

12016. In what place?—In Dingle chapel.

12017. Have you any doubt of the accuracy of the statements you have made?—No doubt at all.

12018. Did any freeholder tell you after the election they had been influenced by the priests to vote as they did, whose intention it was to support the interest of their landlords in voting for the Knight of Kerry?—They did.

12019. How many?—There were numbers told me so; a man of the name of John Griffin, he voted for the Knight of Kerry; and a man of the name of Thomas Langdon told me after the election he intended voting for the Knight of Kerry, but he could not help it, for the priests came to his house and brought two whips, and threatened to horsewhip him if he did not go with them and vote for Mr. O'Connell and Mr. Mullins.

12020. From your knowledge, being a gentleman residing in that county, and a Roman Catholic, do you think that the information given to you by those voters, as to the conduct of the priests, was substantially correct?—I think it was.

12021. You have no doubt the interference of the priests, in exercising their spiritual influence, must have been exercised in other places than those in which you heard them, from what you have heard that other Roman Catholic clergymen have said in other places?—Not the slightest.

12022. To what other places do you advert?—To the country, chapels about Dingle.

12023. Of course you could not be in two places at the same time, but you have heard that in other chapels previous to the election, on the authority of Roman Catholic gentlemen, on whose veracity you place reliance, the priests used similar language to that you yourself heard?—I have heard that they did.

12024. Have you any doubt of that being the case, as far as you can trust to the veracity of the gentlemen who told you so?—Not the slightest.

12025. You think the information you received is worthy of credit?—I do.

12026. You are a gentleman residing in the county of Kerry?—I am.

12027. What situation do you hold there?—I am in no profession.

12028. Nor any employment?—No.

12029. Have you any occupation?—No.

12030. Do you live upon your property?—I live upon my mother's property.

12031. Is that freehold?—A tenement and farm.

12032. How many acres of ground has your mother got?—I cannot tell exactly, she has a large farm a few miles convenient to the town.

12033. Has she 10 acres?—Oh, yes, I believe it is about 10 or 12 miles from the town; then close up near the town she has some town fields.

12034. Did your mother ever live in the family of Mr. Hickson?—I have heard that she did.

12035. As nurse there?—Yes.

12036. She received payment as a nurse?—I do not know, indeed.

12037. Was she not a substantial farmer's wife?—Her husband was chief constable.

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12038. Was he barony constable?—No, chief constable of police before the new police was established.

12039. How long has he been dead?—Eight or nine years.

12040. What is the name of the man who told you that the priests came with their horsewhips?—Thomas Langdon; they were two priests that came.

12041. Had they two horsewhips apiece?—No.

12042. Do not you think that Langdon would be a better witness, as he told you that?—I do not know, I can only state to you what he told me.

12043. Did you tell this to the Knight of Kerry?—I am not sure.

12044. Did you tell it to any one?—I believe I did repeat it to some person in Dingle.

12045. Did you tell it to Mr. Hickson?—No, I do not think I did, I met Langdon, and he told me what I state to you now.

12046. Are you sure you never told the Knight of Kerry?—I am not sure that I did.

12047. You did not know the purpose for which you were brought over here?—I did.

12048. You told the Knight of Kerry what you had heard in the chapel?—Yes, I did.

12049. Did you tell him what Langdon had told you?—I am not sure.

12050. Did Mr. Hickson tell you to keep a sharp look out upon what passed at the chapels? No, I think not.

12051. Did you write it down?—I heard that I was to be summoned to give evidence before the Committee, and I wrote it down.

12052. Did you get money to come over here?—I borrowed some money to come over here.

12053. Of whom?—Mr. Thompson.

12054. Which of the Thompsons?—Mr. David Thompson.

12055. Is it usual for the priests to go about with whips in their hands to flog the people?—I never heard of it before the last election.

12056. Did the Knight of Kerry, in conversing on these matters when you came to him, tell you how to act?—He only told me to come here, and tell nothing but the truth.

12057. He cautioned you to tell nothing but the truth?—Yes, and to take care of myself, lest I should err in telling the truth.

12058. Did you tell Thompson what you could prove here?—No.

12059. How did they find out you were to be so good a witness?—Upon my word I cannot say.

12060. Were you served with a summons from the Committee?—I believe the Knight of Kerry wrote to Mr. Thompson to send me over.

Mr. *Daniel Supple*, junior, called in; and Examined.

Mr. *Daniel Supple*, jun.

12061. WHERE do you live?—In Tralee.

12062. What is your business?—That of a solicitor.

12063. Were you active during the late election?—I was.

12064. What part did you take?—The popular part.

12065. How long have you been employed as an election agent in Tralee?—I believe since the year 1818.

12066. Have you always espoused the popular party?—Save once.

12067. At what time was that?—I was concerned for Mr. Hare with the Knight of Kerry.

12068. In what year was that?—The year 1826.

12069. Are you aware of any facts of intimidation at the late election?—Of many.

12070. By whom exercised?—By the landlords and the agents of some of the absentee landlords in particular.

12071. Will you proceed to state any instances?—In the borough of Tralee, premises held by the widow Lawlor, who sub-let to several tenants; the tenements consisted of four or five dwelling-houses; that two persons occupied part of the premises, one of the name of Martin Gullivan, a publican and grocer, and the other by a man of the name of Patrick Tynam, a merchant tailor; an ejectment was brought by Sir Edward Denny for non-payment of rent against the widow Lawlor; the under tenants, each of those persons were entitled to their franchise in the borough;

borough; two days previous to the borough election the ejectment decree was executed, and those persons dispossessed.

12072. This was before the election?—Two days before the election.

12073. How much were those parties in arrear of rent?—I believe over 100 *l.*

12074. Were they offered to be excused the payment if they voted for the opposite side?—I do not know that of my own knowledge, but I heard so.

12075. Who told you so?—The parties themselves.

12076. How long before the election was the ejectment brought?—The session or two preceding.

12077. Was that two or three months before?—The sessions commenced I think in January.

12078. How much had the landlord been in the habit of allowing the tenants to be in arrear, how many quarters' rent?—I cannot say.

12079. Do you know whether he was more severe than usual upon this occasion?—Decidedly so, for I offered by written notice to become tenant of the premises, subject to six months' redemption, at any rent they pleased to put upon it, and I offered even 100 *l.* for the six months.

12080. Can you undertake to say that the landlord was more severe upon this occasion than he had previously been in the habit of being?—Unquestionably; I offered to become tenant myself for six months for 100 *l.*, subject to redemption; I was refused till the election was over, and then I received a notice offering to accept my offer.

12081. Did you then accept the offer made when the election was over?—No, for it was not till some time afterwards, and till those tenants had taken places elsewhere.

12082. Is that all you have to say about this case?—Yes.

12083. You did not hear that Sir Edward Denny had offered that accommodation to the people in occupation at the time, in order not to turn them upon the world?—Certainly not; on the contrary, the poor man Gullivan, and his family and furniture, were put out at short notice, and left exposed in the street for some time, and I believe it occasioned his death, for he died in a fortnight or three weeks afterwards; he was a publican and could not get his license renewed for another place, and that brought on a relapse of his illness.

12084. Will you undertake to say that Sir Edward Denny, finding that those who occupied the houses in question would suffer by that, when he called on the sheriff to execute the decree, did not offer to take lodgings for them to go to, and that this was not refused on their part, as the party were determined to make the most of it as a grievance to be brought against him?—I never heard that.

12085. Was the debt due from the tenants in occupation, or from the widow?—The occupying tenants themselves were not at all in arrear, their rent was paid up, but the widow was in arrear; the under-tenants were not suffered to retain the premises; but the widow Lawlor and an aunt of Mr. Hickson, Mr. Denny's agent, occupied part of the premises and were not turned out, the only persons turned out of possession were those two voters to whom I have referred, Gullivan and Tynam.

12086. Were those two men canvassed for their votes?—I believe so, they were pledged to support Mr. O'Connell, and did so on a former occasion, they would not violate their pledge.

12087. Will you go on to the next case?—The next case is that of John O'Flarety and Joshua Kennington, those persons also voted for the borough of Tralee; they were serjeants on the Kerry staff previous to the election: Mr. O'Connell and myself received information that those persons were summoned to attend at Ballyhide Castle, the residence of the colonel of the corps of militia; they however returned to Tralee and voted for Mr. O'Connell, and immediately after they were dismissed from their situations as serjeants, and others in the interest of Mr. Denny appointed in their stead.

12088. Was any reason assigned why they were dismissed?—The only reason I heard assigned was that they headed parties previous to the election.

12089. What do you mean by headed parties?—Parties canvassing, I knew both the persons.

12090. Were the men told previously that if they voted for Mr. O'Connell, they would lose their situations?—So they told me.

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12091. Was any reason assigned to those parties by the colonel of the Kerry militia why they were dismissed?—I did not hear, but in the course of correspondence with the Government, the excuse, as I discovered assigned to the Government for their dismissal, was, that they took an active part in that election.

12092. Did they take an active part in that election?—No more than necessarily took place, they simply gave their votes as they conceived conscientiously.

12093. Did they head parties?—Certainly not.

12094. Was it proved to the satisfaction of Government that they did not head parties?—I submitted their memorial, with the representation of several of their neighbours immediately in their vicinity, verifying the quiet disposition of those persons during the election.

12095. Have they been restored in consequence of those representations?—Certainly, by the Government.

12096. By what Government?—The present Government, I believe.

12097. Were they not restored by the colonel of the regiment?—I really cannot say, I am not in possession of all the papers; I understand that they are re-appointed through the adjutant, Mr. Twiss. I have a draft of the memorial in town.

12098. Had those serjeants ever voted at previous elections?—I cannot say on former elections, I believe they were not registered in sufficient time.

12099. Did you ever hear that those two serjeants were dismissed for having gone in cars with green boughs and flags, and taking a very marked part in the election?—I heard that was part of the charge, but it was most unfounded, the only car they ever were in was the day they went up to vote, and the day they returned from Ballahide with Mr. O'Connell.

12100. What is the next case?—The case of Mr. Dennis Brosnahan; this man was employed as runner in the branch of the provincial bank at Tralee; Mr. Peter Thompson, treasurer for the county of Kerry, is one of the directors of that bank; the morning of the election Brosnahan having promised to vote for Mr. O'Connell, I called on him; the poor man was anxious to come with me, but from the interruption of Mr. Thompson, and the intimidation held out by him, he declined to come at the time; in the course of the day however he did come and vote, but the consequence is, he has been since removed from his situation.

12101. How do you know that he has been dismissed in consequence of the vote he gave?—From general report in the town, and his own declaration of no charge being brought forward against him.

12102. Was he informed beforehand, that he would be dismissed if he voted against the wishes of his employers?—I cannot say that, but I have heard from the man over and over again, that from the time he voted he got neither peace nor quiet in the office, and he did not meet that attention he before met with.

12103. Was he offered any money to vote for Mr. Denny?—I am told he was offered by Mr. Thompson 35*l.* for an old gun if he voted for Mr. Denny; that that gun was actually sent by Mr. Thompson's desire to his house, and not returned till after the election.

12104. How came he to keep that gun?—It was sent by direction of Mr. Thompson, who wished to have it, and returned it some time after, in the public office at Tralee.

12105. How came he to send the gun unless he expected to be paid?—Mr. Thompson being one of the directors of the bank, he yielded to any request of his at the time.

12106. At the time you saw him, did he state that he was in apprehension, if he voted against the wishes of Mr. Thompson, that he should be a sufferer for it?—Decidedly.

12107. Have you any other case?—There was a man of the name of John M'Gillycuddy, a tailor, this person also promised to support Mr. O'Connell, and, as he informed me, repeated applications were made to him on the part of Mr. Denny by some of his agents, one of the name of Bruce, who was in the employment of Sir Edward Denny, as his steward; and another, a man of the name of English; he also informed me, that he was to get a sum of 25*l.* for a cloak, provided he went to Killarney, and did not return till the election was over, and that on his return he should get a sum of 15*l.*; the offer was originally made, as he informed me, by English; subsequently Bruce went to his house, and after some conversation with M'Gillycuddy's wife, it was agreed that the cloak, which was hanging up, should be given for 25*l.*, and thereupon 10*l.* was paid, and the

cloak

cloak delivered. Subsequently M'Gillycuddy voted for Mr. O'Connell, and at the very last Tralee sessions a civil bill was brought at the suit of this John M'Gillycuddy against Bruce, for the balance of the price of the cloak, insisting upon it as goods sold and delivered; on the hearing of that civil bill, Mr. Kean O'Sullivan was produced as a witness, who was present at the bargain, and he proved the sale and delivery of the cloak; but on the cross-examination it appeared, that part of the condition was, that he should leave the town, and not return until the election was over; of course the barrister, viewing it in that light, dismissed the process.

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12108. Were you engaged in that?—I was the attorney for the plaintiff; the case was afterwards reported in the Tralee Mercury.

12109. On what ground was the process dismissed?—The consideration being immoral, that was the decision of the court; Bruce, the defendant, was in court, and on behalf of the plaintiff I offered to refer the matter to the oath of Bruce, who was in court, but he declined to come forward, or deny having made the purchase of the cloak; he refused to come forward. The case was fairly reported in the Tralee Mercury, and afterwards copied into the Pilot, and this before me is a fair report of the facts of that trial. I also hold in my hand the Kerry Evening Post, a paper in the interest of the Denny family, and it does not deny the fact of the sale and purchase by Bruce, which I also beg to hand in, if the Committee consider them as evidence.

12110. Have you given a correct outline of the process?—I have.

12111. You are an attorney by profession?—I am.

12112. You have been summoned as a witness here?—I have.

12113. When did your summons reach you?—Early in July.

Martis, 11° *die Augusti*, 1835.

CHARLES ARTHUR WALKER, ESQUIRE, IN THE CHAIR.

Mr. *Daniel Supple*, junior, again called in; and Examined.

12114. DO you know any other instances of bribery in the borough of Tralee, and if so, will you state them?—Not of my own knowledge, but I have heard of the persons I will just mention. A man of the name of Edward Stack, a land surveyor, informed me that he was called on by Mr. Samuel Murray Hickson, whom I know to be a very active partisan of Mr. Denny, to leave Tralee, and not return until after the election, and that he should be well rewarded, and that he should also have employment, and gave him a sum of money for the purpose of bearing his expenses; and also gave him a letter to Mr. Hedges Eyre, in these words: "My dear Sir,—In the absence of my brother John, who left this town for Dingle yesterday, I take the liberty of addressing you under the instructions of the election committee of Mr. Denny, the Conservative candidate for this borough; the person who hands you this letter is a voter of the name of Stack, by profession a land surveyor, who has pledged himself to neutrality on the occasion, but who, we fear, may be induced to vote through the frightful intimidation of the priests; I hesitate not in feeling confident that I am safe in placing him under your protection, and keep him safe until the election is over, unless you have a letter from me to have him sent back, as I have exacted a promise from him, that if necessary, he would return and vote for Mr. Denny; this is a decent well-disposed man if left to himself, but we must not trust him; I have given him his full expense, and no more; give him the farm of ———, my brother's property, to survey, or any other that may occur to you; you will at once understand the motive of this letter; you will be happy to hear that O'Connell and his faction will be beat out of the county; Lord Kenmare behaved nobly on the occasion. I beg pardon for the trouble I have given you in the good cause. Yours very faithfully, S. M. Hickson. To Robert Hedges Eyre, Macroon Castle, Macroon." On the receipt of this he left Tralee; the morning previous to the election he went off, and went as far as Killarney; having gone thus far on his way to Macroon, he stopped in Killarney, and some friend of his met with him there, and on remonstration he returned and voted for Mr. O'Connell the next day.

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12115. Had he, previous to that, promised to vote for any one?—He had previously promised to vote for Mr. O'Connell.

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12116. Are you aware that there was any interference with that man by the Catholic clergy to make him promise that?—Certainly not, to my knowledge.

12117. Was he in fact of that class of life that was likely to be quite independent of such an influence?—Certainly, a very respectable man.

12118. Do you know a man of the name of Quinlan, a voter?—Yes, I know him.

12119. Do you know any circumstance relating to his vote?—I know on the election preceding the last he promised to vote for Mr. O'Connell; he afterwards voted for Denny; at the last election he promised not to vote for either party, but however he was put on the table on Mr. Denny's tally, and I tendered the bribery oath, and he refused to give his vote on that occasion; he afterwards informed me, that previous to his coming on the table he got from a man named English, whose name I mentioned yesterday, a sum of 35*l.*, and from a man of the name of Bryan Connor, commonly called Boyo, a sum of 5*l.*, making altogether 40*l.*; that his name was put on two or three tallies; before that he declined coming forwards until he got the money, and that he actually had the 40*l.* in his pocket at the time I tendered the bribery oath, and which 40*l.* he retained, as he informed me.

12120. Did he show you the 40*l.*?—No, but from the appearance in his condition and change in his situation of life from that which it was before the election, he evidently must have got money somewhere.

12121. Did he say where he got the money?—He told me he got it from English, who was one of the out-agents acting on the part of Mr. Denny.

12122. Was it in Mr. Denny's committee-room?—In Mr. Denny's committee-room, immediately before he was put forwards; Mr. Denny got his voters into the room adjoining the court-house, and all they had to do was to pass from the window of his committee-room into the polling booth.

12123. Was the money given in the committee-room?—In the committee-room.

12124. So open an act of bribery as giving a man so large a sum of money as 40*l.* in a committee-room?—So he told me.

12125. Might it not be done very privately in the committee-room?—I do not know how it was done, I only mention what Quinlan stated to me; and the way I come by the knowledge of this fact was this, a petition preferred against Mr. O'Connell, and my being concerned for him as his agent, it was my duty to try and find out all the evidence that would bear on the case, and I have taken down here from the lips of each witness that were ready to come forwards to depose to these facts; I have the memorandum I took on that occasion from the lips of each witness.

12126. Has any prosecution been instituted for bribery for the penalty of 500*l.* against any of these individuals?—Not as yet; we did not like to disclose our case until the petition was given up.

12127. But you propose to do so?—I do not know what we may be disposed to do, but I really think they ought to be prosecuted.

12128. The case you mentioned of bribery being so clear a one, and Quinlan's case being so capable of proof, is it not a very eligible and necessary mode of proceeding that these individuals who have bribed the voters should be prosecuted according to the Act of Parliament, and on such clear evidence as that which you have stated as existing, convicted in the penalty of 500*l.*?—I think they should be prosecuted.

12129. This is the month of August; the election took place in January; all power of referring to the election committee on the part of the beaten candidate being at an end, and several months having elapsed, has any prosecution yet been instituted against the parties?—Not as yet, but I wrote several letters to Mr. Maurice O'Connell, in which I intimated that I thought they were cases worthy his consideration, and that the prosecution should go on.

12130. Have you received any instruction to prosecute?—Not as yet.

12131. Are you aware in almost every case of this kind that delay is prejudicial to the parties prosecuting?—Yes, but I cannot take on myself to institute that prosecution without authority and instruction.

12132. Then you are sure, as agent to Mr. Maurice O'Connell during that election, that you have no instructions yet to prosecute any of the parties?—Not as yet; not directly.

12133. Do you know a man of the name of Kinnelly?—Yes, that man voted for

for Mr. O'Connell; Jeremiah Kinnelly, a smith; he informed me that he, with others, were to get 25 *l.* each and their expenses, by leaving Tralee and remaining out of town until the borough election was over; that he got 3 *l.* towards his expenses; that he retained the 3 *l.*; that he did not leave town, and that he voted for Mr. O'Connell.

12134. Do you know a voter of the name of Lawler?—Yes, and he is also a smith by trade; he received, I am informed, a sum of 5 *l.* whole notes, and half notes to the amount of 23 *l.*; the name of Mr. William Denny was indorsed on those; they were post bills, some of them; and that after retaining those half notes for some time, he returned them, but he kept the 5 *l.*, and he voted for Mr. O'Connell.

12135. Do you know a man of the name of Healy, a voter?—Yes, a poor man who resides in a place called Upper Castle-street, commonly called Boherbee; he keeps a lodging house, and he was offered, as he informed me, a sum of 30 *l.* for the use of one of his rooms by the way of a committee-room; the house altogether was not worth more than 12 *l.* a year.

12136. Was that as a consideration for voting?—As the consideration for leaving town, in like manner of going with Kinnelly and Lawler; and a man of the name of Slatrey, he also voted for Mr. O'Connell.

12137. What was Slatrey?—Slatrey was formerly a publican.

12138. Was he a voter in the town?—He was a voter in the town. He was also offered, as he informed me, a like sum of 25 *l.*, and stated so in court after voting; he declined and voted for Mr. O'Connell; but since that an ejectment has been brought against him for non-payment of rent for premises which he held under Mr. Stourton, who was interested for Mr. Denny, and an *habere* is at this moment against him for non-payment of rent.

12139. Do you know a voter of the name of Ash?—Yes, an old man, he informed me he was offered 40 *l.* by one of the agents of Mr. Denny, by going to Dingle and not returning until after the election; he was the very first who voted for Mr. O'Connell.

12140. Do you know a voter of the name of Lean?—Yes, he is a harness maker, and he informed me that Bruce agreed for a set of harness for a certain sum, provided he voted for Mr. Denny; he afterwards voted for Mr. O'Connell, and the harness was not taken from him since.

12141. Do you remember the speech made by Mr. O'Connell in Tralee, in which he spoke of a death's head and cross-bones being fixed over the door of those who voted for the Knight of Kerry?—Yes, I was quite close to him when he delivered that speech.

12142. Did he, in the course of that speech, allude to the tithe slaughter near Rathcormac?—Indeed he did, and in my opinion in a very impressive manner.

12143. Did you understand it was in allusion to that business, the Knight of Kerry being supposed to be a supporter of tithe, that the death's heads and cross-bones were mentioned?—Unquestionably.

12144. Have you ever heard any such were placed over any man's door?—No.

12145. Did you hear that it was in consequence of what Lord Kenmare called the dictation of that speech that he abandoned his promise of neutrality?—I had it from Mr. John O'Connell; and as well as I recollect, he showed me a letter from Lord Kenmare, pledging himself to neutrality, and after this declaration of Mr. O'Connell it was that he sent his agent about, and sent circulars about to his tenantry to support the Knight of Kerry.

12146. You saw a letter written by Lord Kenmare to Mr. John O'Connell (the original), which letter promised neutrality?—I cannot say I saw the original; as well as I recollect, Mr. O'Connell read a passage from the letter which he stated to be from Lord Kenmare to that effect.

12147. Was the letter addressed to Mr. John O'Connell?—Either to him or to his son Morgan John O'Connell.

12148. Did this letter promise neutrality?—As well as I recollect.

12149. But according to your belief, Lord Kenmare attributed his change of action in consequence of Mr. O'Connell's speech, in which the allusion was made to the death's heads and cross-bones?—So I understand; that was only as regarded Mr. Mullins; I understood him not at all to interfere with Mr. Morgan John O'Connell.

12150. Then Lord Kenmare understood this phrase of the death's head and cross-bones as a threat used by Mr. Daniel O'Connell, and which was dictation to the landed proprietors, and intimidation to the lower classes?—I cannot say

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what his views may be, or what his feelings might have been; as far as my knowledge of the county of Kerry went, it had neither the effect one way or the other in that county, whatever it might have had in other places.

12151. But you have no doubt it was used and understood by other Roman Catholics in the same way Lord Kenmare understood it?—I understood from Mr. Christopher Galway, the agent of Lord Kenmare, that he was very much censured himself in consequence of not having taken a more lively and more active part in the commencement.

12152. As you are in habits of confidential communication with Mr. Galway, Lord Kenmare's agent, did you ever see another letter of Lord Kenmare's, in which he distinctly avows his intention to depart from his neutrality in consequence of Mr. O'Connell's speech at Tralee, in which he used the phrase of the death's head and the cross-bones?—I did not, nor was I ever in any confidential communication with Mr. Galway, it was merely a casual conversation I had with him on an occasion; I was taken over to Killarney to defend several tenants, who were summoned by Mr. Galway on the part of Lord Kenmare (who had voted) for burning land. I was taken over professionally to defend those persons; and having succeeded on those summonses, I met Mr. Galway in the street; we had a conversation which turned altogether on the election, and in the course of that conversation it was that this communication took place.

12153. Was Lord Kenmare understood to be hostile to Mr. Morgan John O'Connell?—No.

12154. Who was one of the candidates at that election?—He was not hostile to Mr. Morgan John O'Connell.

12155. Mr. Morgan John O'Connell is the son of Mr. John O'Connell, a gentleman of the county of Kerry?—Yes.

12156. And nephew to Mr. Daniel O'Connell?—Yes.

12157. Was the hostility of Lord Kenmare to the liberal candidates directed against Mr. Mullins?—Oh yes, decidedly, the entire Conservative feeling was against Mr. Mullins, and not against Mr. Morgan John O'Connell; he was supported by both parties.

12158. Mr. Mullins has a brother, a clergyman in the Established Church?—He has, and his father was a clergyman of the Established Church.

12159. At that election, was Mr. Mullins pledged to vote in any way on the tithe question, or against the ministry of which the Knight of Kerry was a member?—Unless he was so pledged he would receive very little support from the liberal party.

12160. He was pledged?—Decidedly.

12161. Was that the reason of the hostility against Mr. Mullins?—I have no doubt that it was one of the reasons.

12162. If the Knight of Kerry himself had voted for Reform and pledged himself to support the measures brought forward by the present ministry, or to vote against tithes, do you think he would have been supported at the last election in preference to Mr. Mullins?—Unquestionably, the Knight of Kerry never would have been disturbed in that county if he supported liberal measures as he did formerly.

12163. Are you aware of Lord Kenmare having refused lime to any of his tenants, since the last election, in consequence of the manner in which they voted?—Certainly; he has restricted and prevented several of the tenantry, particularly those who voted for Mr. Mullins, from having it.

12164. That is of your knowledge?—Yes, the only knowledge I have is the complaints of the party, they come and make complaints day after day of the hard treatment they receive at the hand of Lord Kenmare; and so late as yesterday I got a copy of correspondence that passed between Mr. Brennan and my Lord Kenmare; Mr. Brennan's letter is thus: "Killarney, 1st August 1835. My Lord, Having heard that your lordship intends leaving the country for some time, and my brother being at present from home and not likely to return before your lordship's departure, I beg leave in his name to request permission as usual to get lime and limestone at the different quarries on your lordship's estate to enable him to cultivate the lands, part of your lordship's property, to which he is a tenant. I have the honour to be your lordship's humble servant, Charles Brennan. To the Right honourable the Earl of Kenmare, &c. &c. &c." This is a copy of his lordship's reply: "Killarney, 3d of August 1835.—Mr. Maurice Brennan's conduct,

conduct, with respect to Lord Kenmare, has been such that he has neither favour nor indulgence to expect from him; Lord Kenmare cannot allow Mr. M. Brennan to get any lime or limestone at his quarries. It is to be hoped that those whose interest he now so warmly espouses in opposition to Lord Kenmare's, and forgetful of the obligations he is under to Lord Kenmare's family, will compensate him for any loss he may sustain in this respect."

12165. Had Mr. Brennan ever before been refused to be allowed to purchase lime?—I never heard of his being refused, or any of the tenantry refused to take limestone.

12166. Do you know of Lord Kenmare having acted in any other way harshly towards his tenants who voted for Mr. Mullins?—Not except what I have stated awhile ago, that he caused summonses to be issued against several of those tenants for burning fallow; he caused several of those persons to be summoned two or three times, and it was on that occasion I went over to Killarney and had this conversation with Mr. Galway.

12167. Did Lord Kenmare show any particular violence against those who had voted contrary to his wishes by distraining for rent which might be due, earlier and more harshly than on previous occasions?—Unquestionaby.

12168. Earlier?—Yes, and on one occasion particularly, a Mr. Lawrence M. Griffin, who got into arrear, I believe 12 months, had his land sublet to undertenants; Lord Kenmare's agent, Mr. Galway, distrained the cattle of the undertenants in the first instance, he then abandoned that distress and brought an ejectment against Mr. Griffin himself; Mr. Griffin had to my own knowledge to raise money at serious inconvenience from a farmer; he tendered the rent due to Mr. Galway; he tendered a sum of 7*l.* towards the costs of the ejectment; Mr. Galway refused to accept of it until he heard from Mr. Tierney, Lord Kenmare's law agent, who resides in Dublin. Mr. Griffin called on me professionally to go with him to Mr. Galway; he mentioned the circumstance to me. I met Mr. Galway close to his own house in Killarney; I remonstrated with him, as to the hardship of not taking the money from Mr. Griffin, or suffering further costs to be incurred. He said that he did not know what the costs amounted to. I told him that they certainly could not exceed 10*l.*; at all events to receive the rent without prejudice to his ejectment; he refused taking the rent, unless Mr. Griffin would lodge a sum of 100*l.* towards costs. "Really, Mr. Galway," said I, "it is most unreasonable; it is impossible it can amount to any thing like that; but," said I, "take this sum, and I will give you my personal undertaking to pay, should the costs be more;" after that, Mr. Galway desired them to call down in the evening, as soon as he returned from the country, he being about to take a ride out, and he would take it. He then agreed to take the money, on my undertaking to pay any additional costs.

12169. You have mentioned about the burning of land in that county, is not that a usual custom, and permitted by landlords?—Indeed it is; and in some places it is more beneficial than prejudicial to land. This proceeding caused a general outcry against my Lord Kenmare, who was invariably considered a very good and kind landlord; and this harsh proceeding, being so unusual in the family, caused a great deal of observation.

12170. Had the tenantry generally voted as the family wished before?—Yes.

12171. Always voted with the family?—Yes; save latterly, when they went against what is called the popular interest.

12172. Then Lord Kenmare was, towards all his tenantry, a kind and indulgent landlord; and the tenants were in the habit, previous to this election, of going according to the wishes of their landlord?—Not previous to this election; so long as he supported the liberal candidates, they always went according to his wishes; but the moment he showed a disposition to support any candidate that was supposed to be hostile to the wishes of the people, a great portion of the tenantry went contrary to his lordship's wishes.

12173. The Knight of Kerry had, for several years of his political life, absolutely been excluded from office, owing to his attachment to the question of Catholic Emancipation, had he not?—I understood so; he had accepted office once or twice.

12174. He accepted office in 1829, when that Bill was carried, did he not?—I believe he did.

12175. He was supported by Lord Kenmare, was he not?—He was.

12176. The question has reference to the election, after emancipation, in 1829?—He was then supported by Lord Kenmare.

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12177. It then appears that, notwithstanding the services of many years, and the sacrifices which the Knight of Kerry made in consequence of his advocacy of the Roman Catholic claims, that when he, after those claims were carried, connected himself with the Government which carried those claims; and when for other ulterior and liberal measures, he was required to go further, that all his former services were disregarded by the constituency of the county of Kerry, and they preferred Mr. Morgan John O'Connell and Mr. Mullins, as being more liberal men than the Knight of Kerry?—They abandoned the Knight of Kerry, feeling that he had abandoned them; having supported one liberal measure, they took it for granted it was his duty to support and follow that up by other measures conducive to the benefit of the country. The solitary instance of emancipation would be of no manner of use unless it was followed by something more beneficial to the people of the country generally; and finding that he abandoned that great question which agitated and is still agitating that unfortunate and unhappy country; when he refused to give his support to the abolition of tithes and other taxes, they then felt that he had no claim on their support.

12178. Then, in the estimation of the freeholders of the county of Kerry, there is to be no term to the concessions of a liberal candidate; that having passed a large portion of his life in refusing to take office, and in excluding himself from office on account of the non-passing of one measure, which he considered essential to the repose and quiet of his native country; when, after such a sacrifice, he does accept office with that very Government which passed the measure, he is still expected to go on from concession to concession; and that if he fails in any concession required by the liberal party, then he is to be excluded from Parliament, as unworthy of further notice?—I think not; my impression is quite the other way. I think the liberal and independent constituency of Kerry merely require simple justice at the hands of their representatives, and no more; and when that is rendered and given to them they will not press further.

12179. What justice has the Knight of Kerry ever refused to the people of Ireland?—We look on it as gross injustice the not giving his aid to quieting that question which is most ruinous to the country—the question of tithe.

12180. The Knight of Kerry having repeatedly in Parliament stated he would support the rights of the Established Church, and particularly in carrying Catholic Emancipation, said, that he voted for obtaining the civil rights of the Catholic, with all due regard to the preservation of the Established Church; then, because he does not choose to go to the extent of giving up that which is a lawful demand, namely, tithe, that is by you to be termed "refusing to do justice to the people of Ireland?"—I do not mean by any means to say, or to convey to the Committee, that it is the wish of the people of Ireland to go the length of wishing any representative to support measures, the effect of which would be to destroy the Established Church; but they do feel it a grievance and a hardship on them to be called on to pay and uphold a church from which they receive no manner of benefit; and that therefore a person who would not pledge himself to rid them of that burthen was not worthy of their confidence and support.

12181. But this refusal of the Knight of Kerry "to do justice to the people of Ireland," is the cause of his being rejected from the representation of his county?—The conduct on his part has been the cause of his rejection, and the want of confidence in him by the people in consequence of his having refused to support those measures which they deemed essential.

12182. The Knight of Kerry having, after Emancipation was carried, refused to do that which he had always protested against doing before, is considered to be a refusing to do justice to the people of Ireland?—It is considered as such.

12183. Do you not consider that if a representative for a county were to be up to a certain period liberal, and after that period to become anti-popular, or what is called Conservative, that the people would have less inclination to support a man that they considered a renegade in politics than a man who was a Conservative now, and always had been a Conservative?—Decidedly.

12184. Do you consider, supposing the question of tithe settled in any way by the Legislature, that the gentry in general in Ireland would or would not reassume that influence among the tenantry that they used to hold?—I certainly think that they would.

12185. Then you attribute the immediate interference with that, which is now called "the natural influence of the gentry over their tenantry" (not supposing intimidation to be used), to the Catholic clergy; do you mean to say from your knowledge

knowledge that the Catholic clergy have interfered with that influence in the county of Kerry?—I certainly think, and I know from experience, that the influence of the Catholic clergy never was brought into question, but when the conduct of the landlord rendered it necessary by a kind of coercion on his part to compel the tenantry to vote as he pleased.

12186. And in point of fact then, to counteract that coercion, the Catholic clergy did interfere?—Yes, merely used their influence with their flocks.

12187. Was it by advice or counsel, or recommendation to resist that, or in what mode did their interference take place?—I traversed the greater part of Kerry; over and over again I have heard the clergymen address their flocks, and they were merely pointing out to them the claims of the respective candidates, what they were to expect, and the questions they were likely to support, what they were to expect at the hands of the respective candidates; nothing more than that did I ever know a Roman Catholic clergyman to do; and I hold in my hand letters from the Knight of Kerry himself, directed to a Mr. M'Cartie, a Roman Catholic clergyman, possessing more influence in the county than any of the Catholic clergy, showing the estimation and opinion he entertained of Mr. M'Cartie, as proof when it suited the Knight of Kerry he could have reference to his assistance and support. The first is dated, Dublin, 11th February 1827, and addressed to the Reverend Mr. M'Cartie: "Dear Sir,—I have just received your letter of the 8th instant; I trust you are mistaken in supposing that there is any intention to apply for the peace preservation (or Mr. Peel's) Act for the district in which you reside, and for which I do not think there are any adequate grounds; the poor people have behaved very well considering the temptations held out to them, and I am perfectly aware how much your pious exhortations and example have contributed to the peace of your parishes; I should certainly object to the introduction of that Act in Kerry. There is a project for a general Police Act, which may perhaps have led to the mistake; I am fully aware how much the gross and corrupt abuses of the tithe system have contributed to the disturbances in the south of Ireland; I believe this excess has at length attracted the attention of the people in power, and that we shall experience some amelioration of that system; I shall be very happy at all times to receive your advice and communication. Believe me, dear Sir, very faithfully yours, M. Fitzgerald." The next is dated, London, 23d December 1834, addressed to the Rev. Mr. M'Cartie: "Dear Sir,—Will you allow me to solicit the favour of your support on the present election for Kerry; old recollections would lead me to hope for your kind assistance. Believe me, dear Sir, very faithfully yours, M. Fitzgerald."

12188. Do you know Mr. David Peter Thompson?—I do.

12189. Who is he?—He is the son of Peter Thompson, the treasurer for the county Kerry, and he is receiver in several cases.

12190. Has he any thing to do with the estates of the gentry?—He is receiver in Chancery over Lord Ventry's estate.

12191. Did you see him taking down the names of the tenants of the Ventry estate who voted for Mr. Mullins?—He attended in the booth of Corkagrumy barony. I saw him there take his seat opposite to the voters as they came on the table, and every man who voted for Messrs. Mullins and O'Connell, I saw him take a note of his name.

12192. Had that Mr. Thompson endeavoured to influence the tenants against voting for the popular candidates?—So I heard; he was the deputy provost at the borough election, and he was a decided partisan, and all his family likewise.

12193. For what purpose was he taking down the names?—For the purpose of intimidating the people; as receiver over the estate it gives him an influence over the tenantry; he took advantage of that to intimidate those persons as they came forward.

12194. Then is it your opinion, that although Lord Kenmare attributed his going back from his promises of neutrality to the threat of Mr. O'Connell with regard to the death's head and cross-bones, that in point of fact it was hostility to Mr. Mullins he showed, and not to the nephew of Mr. O'Connell?—Decidedly, it was hostility against Mr. Mullins; it was against him the entire was aimed. There was a regular coalition between the greater proportion of the land proprietors in Kerry to oust Mr. Mullins. There was Mr. David Peter Thompson, the receiver over the Ventry property; Mr. Collins, of Listowell, agent of Lord Listowell; the Knight of Kerry's son, Christopher Galway, the agent of my Lord Kenmare; John Hurley, clerk of the Crown, and receiver over the Crosby estate; Peter

Mr *Daniel Supple*, jun.

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Peter Thompson, treasurer of the county; Francis Crosby, clerk of the peace; William Bateman, stamp distributor, and many others; all those persons attended in the different booths, using their influence to intimidate the tenantry of their respective estates.

12195. Have any of the voters suffered since, in consequence of their having voted for Mr. Mullins?—Seriously; I can give several instances of my own knowledge: a man of the name of Timothy Quill, the tenant of a gentleman of the name of Elliot, two days after he voted, every beast he had was impounded for rent. There was another man of the name of Woolf treated in like manner by a Mr. Alexander Elliot. There was a man by the name of Connor, a tenant of Mr. Peter Bodkin Hussey, similarly treated. And after the 25th March last the same Peter Bodkin Hussey caused several head of cattle, the property of a tenant of the name of Twiss, to be taken and brought to the town of Tralee, and actually sold within the fifteenth day after the gale became due; that is within the very first hour allowed by law. The poor man's cattle were set up and sold, not in the usual way, one by one; but all set up in a lot, and Mr. Peter Bodkin Hussey's own drover was actually the bidder. I happened to be passing that way, and lent the unfortunate man money to redeem the cattle from that person. A man by the name of Mahoney, also a tenant of this same Mr. Hussey, was treated in the same manner; his cattle sold in the lump, and the drover of Mr. Peter Hussey the bidder at the auction for them. As to the Crosby property, the tenants, all of whom are parishioners of this Mr. M'Cartie, to whom in his letter the Knight of Kerry refers, had all free access of taking sand from the sand banks there, which is an immense tract of land; they were prevented from taking sand; an application was made to the Court of Exchequer by this Mr. Hurly, the agent, against them, on the charge of their having violated the covenants of their lease. Conditional orders were had against them: they have been put to the expense of coming to show that they have, from time immemorial, been allowed to take sand and turf, and exercise all those privileges necessary for the cultivation of their land and their comfort; and that they were never known before to be interrupted, directly or indirectly, by any member of the Crosby family for the last 100 years.

12196. From what you know of the county of Kerry, do you think that if the majority of the voters of that county were free from the intimidation of priests on the one side, and landlords on the other, that they would vote for the popular candidate?—If I were on my solemn oath, I would declare from my knowledge of the country, that if the voters were allowed to exercise their own free franchise, that none but those candidates who would be favourable to popular measures would have any chance of success in that county.

12197. Do you think, as an individual, the Knight of Kerry would have a fair chance in that case?—Certainly not.

12198. But if the Knight of Kerry was the supporter of a liberal ministry, you think he would have a chance?—I do.

12199. You are the professional as well as the electioneering agent of the sitting member for Tralee?—I am.

12200. With the greatest desire to give your evidence impartially, nevertheless you feel strongly as a political partisan in his favour?—I certainly do.

12201. Whatever importance may be attached to your evidence, it is to be taken as the evidence of a decided political partisan on the part of Mr. Maurice O'Connell?—Decidedly; but allow me to observe, that feeling has not influenced me to exaggerate any matter. I wish to add, in my opinion, the peasantry will never have a free discharge of the elective franchise unless they have the benefit of the ballot.

Mercurii, 19° *die Augusti*, 1835.

WILLIAM HENRY ORD, ESQUIRE, IN THE CHAIR.

Edward Dowling, Esq., called in; and Examined.

Edward Dowling, Esq.

19 August 1835.

12202. WHAT has brought you to London?—I received a letter in Dublin from my sister, stating that the Rev. James Maher proved before the Committee that I interfered with a man of the name of Michael Leech; that Mr. Maher stated that I told Leech that if he would vote for Mr. Francis Bruen, that he would get off

oft a certain fine of excise which he was fined for selling spirits without a license, and I came to London for no other purpose but to contradict that statement.

12203. Did you understand from your sister that she had heard this, or had seen it in any paper?—She mentioned in her letter that she had heard it from a gentleman in the town of Carlow.

12204. Then you understood that you have been charged with a conspiracy in conjunction with a magistrate of the name of Fishbourne, to obtain the vote of Leech by corrupt practices, such as informing him that he should not be affected by the penalty of the excise in case he gave his vote for Mr. Francis Bruen?—Precisely so.

12205. Is there any truth in that statement, supposing it to have been made, that you did carry any message to that effect to William Leech?—Not the least truth in it, it is perfectly false.

12206. Would you make oath that in that transaction the whole of the circumstances are utterly false?—I would; they are quite false.

12207. What has prevented you from producing an affidavit to that effect?—I applied to some magistrates, but they said it was a voluntary affidavit, and they refused to swear it.

12208. May I ask whether you are a Protestant or a Roman Catholic?—I am a Roman Catholic.

12209. You would have sworn that affidavit if the magistrates permitted you?—Yes.

12210. Do you wish the terms of the affidavit to be given in to the Committee?—I have not the slightest objection.

12211. The whole contents of this are true?—Yes.

[*The following Affidavit was then put in, and read:*]

County of Middlesex, to wit. } Edward Dowling, of the town and county of Carlow, maketh oath and saith, that he has heard and believed that James Maher, Roman Catholic priest of the town of Carlow, had stated on his examination before a Committee of the House of Commons, that the deponent had waited on a person of the name of Michael Leech, of the town of Carlow, and declared to the said Leech that if he voted for Mr. Francis Bruen at the late election, a prosecution at the suit of the Crown against him would be abandoned, and that deponent and Jones, a revenue officer, and William Fishbourne, Esq., of said town of Carlow, had conspired against said Leech to induce him to vote contrary to his wishes; now deponent positively saith that the allegations of the said James Maher are utterly false, and that deponent neither directly or indirectly ever made such a communication to Leech, or any other communication to that effect.

The above was tendered before Mr. Gregory, a magistrate of the county of Middlesex, and was refused on the ground of the illegality of voluntary affidavits.

Edward Dowling.

12212. Have you read Mr. Maher's evidence?—No, I have not.

12213. At what time did the election for Carlow take place, to which this transaction is supposed to allude?—In January.

12214. Then had you any conversation with this man Leech previous to the election?—I had.

12215. About the election?—I had.

12216. Did you canvass him for his vote?—I did not canvass him exactly for his vote, but if I may be allowed to explain, I will state there was a friend of his that was endeavouring to get a farm at the time, and he requested Mr. Francis Bruen to interfere with the gentleman who owned the farm, to get the farm for him, and Leech and a man of the name of James Saunders, and a man named John Warren signed a document, pledging themselves not to vote against Mr. Bruen.

12217. Upon the understanding that this man was to have the farm?—No, not on the understanding that he was to have the farm, but that he would interfere.

12218. That is, if Colonel Bruen would interfere to get the farm, he would not vote against him?—Yes.

12219. That was the effect of the document?—Yes, and the reason which operated on me was that I felt interested for this man Doyle; he was the man who got the farm, and he requested me to call on Leech, and prevail on him not to vote against Mr. Bruen, as it might injure him; I never had a word with Colonel Bruen about Leech.

12220. You never had any conversation with Leech on the subject of any pending prosecution?—Never.

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12221. You say that he was fined?—He was.

12222. Was he fined previously to the election or afterwards?—Subsequently.

12223. Then he had not been fined at the time this transaction is supposed to have taken place?—No.

12224. Did you know at the time you went to Leech that there was any prosecution of the excise pending over him?—I did, but I did not hear any thing particularly about it.

12225. Did he say any thing to you about it?—He did.

12226. What did he say?—He requested me to interfere with Mr. Fishbourne, and I told him it would be a very improper thing for me to do, and I could not interfere; as to Mr. Jones, I never had a word of conversation with him previous to that.

12227. Did Leech mention the name of Jones to you at that time?—He told me that Jones was the man who seized upon the spirits; I was not acquainted with the man at that time.

12228. Had you any conversation previously to going to Leech with Mr. Fishbourne on the subject of the penalty?—None.

12229. Who were the magistrates upon the bench when Lynch was fined and convicted?—I think there was Mr. Fishbourne, Mr. Waters, Mr. Thomas Haughton, Mr. Moore; I forget the others.

12230. Can you recollect whether Mr. Haughton was upon the bench on that occasion, or not?—He was.

12231. Is Mr. Haughton a magistrate whose principles are what are termed liberal principles?—Quite so.

12232. And you are quite positive, both from memory and recollection, that Mr. Haughton was present on the bench at the time Leech was convicted?—He was.

12233. Did Mr. Haughton protest in any manner against the sentence on Leech being a harsh one, or an improper one?—After the rising of the bench he stated his opinion in the club and news room in the town.

12234. What is that opinion?—There it is, as it can be proved, and I hand in this paper.

[*The Paper was then put in, and read, as follows:*]

I was present in the news room in the town of Carlow when Mr. Thomas Haughton stated it was his opinion, that the magistrates who decided in the case of the excise officers against Leech had no other course to pursue but to fine him; Mr. Henry Waters was also present.

J. Fishbourne.

12235. Did Mr. Haughton take a part in concurring with his brother magistrates in fining that man?—I cannot answer that.

12236. He, according to that paper, concurred in the fine?—Certainly, and one of the magistrates that sat on the bench remained in London till yesterday to prove it.

12237. Did you ever hear Mr. Haughton express any opinion that it was a foul conspiracy, or any words to that effect, by which Leech had been fined, and that Fishbourne, who sat on the bench, had been a party to the conspiracy in which you were the agent, in carrying a message to Leech?—I never heard Haughton say so, but I heard that such a report was in circulation.

12238. Since when did you hear that report?—My sister was the first who communicated it to me by letter.

12239. Had you ever heard, previously to the letter of your sister, that it was notorious in Carlow that Leech was the victim of a conspiracy, and that Mr. Haughton, the magistrate, had not attended the bench of magistrates, he disapproving of the proceedings against him?—I never heard of it. Michael Leech's wife called on me after her husband was fined, and requested I would wait upon Mr. Jones, the excise officer, to get Leech time to pay the fine. Up to that day I never spoke to Jones, or knew him. I waited on Jones, with Mrs. Leech, requesting Jones to give Michael Leech time, and I would become security for the payment of it. Instead of persecuting him, I was rather inclined to serve him.

12240. Did you lend him any money?—Never.

12241. Then your offer of being his security became unnecessary, and why?—It became unnecessary because there was a subscription entered into, in the town of Carlow, and I understood Mr. Maher advanced some of the money; Leech's wife told me that he lent her some of it.

12242. What

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12242. What induced you, being adverse in politics to Leech, and Leech having voted against your friend, Mr. Francis Bruen, and having been properly convicted by the court of the county, to offer to become security for a person who had been thus fined?—There was an elector living in the same neighbourhood with Leech, who voted for Mr. Francis Bruen, and he was greatly annoyed by the people. His house was pelted at; and Leech took some pains in endeavouring to preserve his house, which was the reason I thought I ought to serve the man.

12243. Have you any thing else to state in the case that has brought you to town, namely, the question regarding Leech?—Nothing more, except to contradict a very false charge against me.

12244. You say you was persecuted by the Rev. Father Maher?—I do.

12245. In what way was you persecuted?—Subsequently to the last election, I waited on his bishop, complaining of his conduct towards me, in endeavouring to prevent the people dealing with me. I must observe here, that I keep a tan-yard in the town of Carlow. Mr. Maher, upon a particular market-day (I do not recollect the day, but I believe it was subsequent to the election), went round to the brogue-makers; they keep large baskets of brogues in the street to sell; and he purchased some, and exhibited them to the poor people; and the market-day after that he went to the same people; and, as he went from kish to kish, he would take up a pair of brogues, and ask them whether that was Conservative leather, and stating that he was accused of having purchased Conservative leather the market-day before; and he would fling the brogues into the kish, and say he would purchase no more Conservative leather.

12246. Was the example, of not purchasing conservative leather, followed very generally in the town of Carlow?—Indeed it was attempted, to a very frightful extent, in the town of Carlow.

12247. Have you yourself suffered in your trade?—I have.

12248. Do you mean to a considerable extent?—Yes; and, only that I have some property in the town, I could never stand up against their persecution; and I must observe that there were persons appointed in different parts of the town, to tell the people where to go to deal, as they came in; to tell them which person was a tanner, or grocer, or cloth merchant. Mr. Maher asked the different brogue-makers who they dealt with, and some said, I deal with such and such a person; and when he had finished among them, I heard all this, and I waited upon his bishop to complain.

12249. What did his bishop say to you?—He gave me very little satisfaction indeed; and I told him, at the latter end, when I saw he was not inclined to give me any satisfaction, not to say any thing to Mr. Maher on the subject.

12250. Then Mr. Maher is a great political partisan in the town?—As great as any in Ireland.

12251. And exercises a considerable sway over the minds of the electors?—He does.

12252. Are we to understand you, that you hear very general complaints amongst tradesmen of your own class in the town of Carlow, that their profits and dealings are interfered with, in consequence of the votes which they give at elections?—Very much.

12253. When Father Maher bought the brogues, he bought indifferently of any kish?—Yes.

12254. He did not set an example of exclusive dealing?—So far as he was concerned, he was a very good means of establishing it.

12255. Is it your idea that he bought the brogues the first day, in order to show them?—I do not state that.

12256. Was he in the habit of purchasing them?—He purchased them for a particular purpose; I said, the market-day after that he did not purchase any, and he did not want to purchase any; but I believe his intention was to point the people's attention to me.

12257. It appears that he had been found fault with for purchasing Conservative leather?—I stated Mr. Maher stated so; I stated that Mr. Maher said to the different brogue-makers he was not going to purchase Conservative leather.

12258. Was you present at the time?—I was not present; I did not hear him say so.

12259. Do you think the ballot would get rid of the intimidation and interference of priests and landlords in Ireland?—I am not able to answer that question.

Mr. *Carter Hall.*

19 August 1835.

Mr. *Carter Hall,* called in; and Examined.

12260. WHERE have you lately resided?—At Milford, in the county of Carlow.

12261. What countryman are you?—I am an Englishman.

12262. Since when have you resided in Ireland?—I have resided for a considerable time in Ireland, and am a graduate of the University of Dublin.

12263. There is an address alleged to have been spoken by the Rev. Father Kehoe at Leighlin Bridge on Sunday, 14th June, in which very strong expressions are used, applied both to a man of the name of Pat Neil, and also to the interference of a gentleman of the name of Alexander; what do you know of that address alleged to have been spoken in that chapel, on that day, by Father Kehoe?—I went to the Roman Catholic chapel of Leighlin Bridge on Sunday, 14th June, heard Father Kehoe address his congregation, took down notes of that address, and immediately afterwards copied them out.

12264. Is that paper a faithful transcript of the notes you took down?—It is.

12265. Did you make the original draft of that printed paper?—I did.

12266. And from the notes you took in the chapel?—Yes.

12267. Have you the short-hand notes in your possession?—I have not.

12268. You have destroyed them?—I did destroy them.

12269. Have you been in the habit of reporting speeches or debates of any description previous to your taking that address of Father Kehoe?—During three Sessions of Parliament I was Parliamentary reporter for the New Times and Morning Journal.

12270. Were you one of the principal reporters of the paper, one of the chief reporters?—I was one of the eleven Parliamentary reporters.

12271. Then you have had, before you took down Father Kehoe's address, considerable practice in reporting accurately speeches that may be delivered at public meetings?—Yes, I have.

12272. Are you persuaded that that address which is now before you, and which you reported, is an accurate version in substance of what Father Kehoe delivered at the altar to his congregation?—I am persuaded that it is an accurate report of certain expressions used by Father Kehoe on that occasion; every thing that is there reported is a faithful statement of the substance of the priest's address, the sense of that address, and as near the words, upon the virtue of my oath, as I believe it possible for any Parliamentary reporter to report a speech.

12273. Would you, if you were put on your oath, state that this was an accurate report?—I would.

12274. Now although you have been asked whether you believe the substance is accurate, do you mean to say that the priest, to his congregation at the altar, made use of these words: "There is one wretch that has done so; do you know who I mean? I mean Pat Neil, the hypocritical, proselytising apostate lickspittle, Pat Neil and his brother?"—On the virtue of my oath, I took it down on paper the moment he uttered it.

12275. That word "lickspittle" is reported in three or four places, and therefore you are of opinion that you could not have mistaken that word?—Decidedly.

12276. He is again called a "detestable, hypocritical apostate lickspittle, a ruffian and a miscreant, to be held up by the finger to scorn and detestation and contempt;" I ask you again whether those words "miscreant, ruffian, lickspittle," were again used?—I am sure they were.

12277. I understood you to say that the whole of the substance as there reported was delivered by the reverend gentleman at the altar, and as nearly as possible the very words?—As nearly as possible for a Parliamentary reporter to report it.

12278. Here are other words which are very important, and on which I beg you will be very cautious in stating whether you are sure those words were used by the priest: "A body of poor laws will be in force, and every tenant that every landlord ejects, that same landlord will be obliged to support; and who are these bloody landlords, these tyrannical despots? why, they are fellows whose names were not known when your ancestors possessed the land they now possess; but a time will soon come that will oblige them to prove what right and title they have to their possessions;" now, sir, if you were upon your oath, are you certain that is an accurate version of that part of the address of Father Kehoe?—I am.

12279. Here

Mr. *Carter Hall.*

19 August 1835.

12279. Here is another passage: "I hope it will not be necessary for us to draw the sword, for I hope the very sight of the scabbard will be enough to frighten them; but I tell you, boys, if the Conservatives gain this election,—they cannot gain it,—but if by perjury, threats and violence they do gain it, if they do trick us out of our representatives on this as they did at the last election, more blood will flow than there is water in the river Barrow; come then, good people, to the poll at once; I denounce that man who will not come to the poll at once, as one who is tampering with his landlord; as one who is waiting to see on which side the scales may turn, and I will suspect that man to be a renegade and an apostate;" are you equally sure that that is a correct report of his speech?—I am.

12280. Was this address delivered, during divine service, from the altar, by the priest, he being in his dress as a clergyman, with all that paraphernalia and outward show of respect which is naturally shown by persons of the Roman Catholic persuasion to their clergyman?—I hardly know how to describe the dress of a Roman Catholic priest; he had on a surplice, and over that a large cross.

12281. He had his canonicals?—He had his surplice on.

12282. How was he dressed?—He took off the large cross that he had on his back, but underneath that he wore a surplice over a coarse black gown; and he addressed his congregation in that dress.

12283. Still he was in one of the dresses that he performed divine service in?—I should call it a Roman Catholic priest's canonical dress.

12284. Was he in his ordinary dress?—No, certainly not; he had not concluded the service. As soon as he delivered that address he finished the religious service in which he had been previously engaged.

12285. Therefore he delivered this political harangue in the interval during divine service, and from the altar?—He did.

12286. Are you now in the employment of any newspaper in Ireland, or were you then employed by the editor of the Carlow Sentinel to report Mr. Kehoe's speech?—No, I am not; I never saw the editor of the Carlow Sentinel until Monday last.

12287. This was merely a casual employment?—It was no employment; I went down of my own free will and desire.

12288. As an amateur?—Certainly not an amateur, Mr. Ord; I should rather say as a connoisseur of the system generally adopted by the Roman Catholic hierarchy upon such occasions.

12289. You was not employed by any person to attend this meeting, not by Mr. Alexander?—No, I was not; I was rather dissuaded from it by Mr. Alexander.

12290. You went there, expecting to hear some address of that kind delivered?—I did.

12291. And determined to report it?—Yes.

12292. You have no connexion with the paper in which that was inserted?—Not the slightest.

12293. Are you now connected with any one of the London papers?—Not with any at present.

12294. With any of the periodical papers?—None; my brother, Samuel Carter Hall, is the editor of the "New Monthly Magazine."

12295. You left Ireland to come before the Committee to give your evidence?—I did.

Mr. *Francis Bruen*, again called in; and Examined.

Mr. *Francis Bruen.*

12296. HAVE you received from Ireland the ledgers, and your rent roll?—I have.

12297. Have you inspected that with the view of making extracts relating to the matters inquired into before this Committee?—I have not.

12298. When you have made those extracts, will you furnish them to the Committee?—Yes, I will.

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APPENDIX.

Appendix, No. 1.

TITLES and ABSTRACT of ACTS relating to the ELECTION of MEMBERS to serve in PARLIAMENT, so far as they refer to the Prevention of Bribery and Corruption.

ENGLAND AND WALES.

AN ACT for preventing Charge and Expense in Election of Members to serve in Parliament:—1696. — 7 W. 3. c. 4. called the Treating Act.

ENACTS, That no person hereafter to be elected, &c. for any place in England or Wales, after the teste of the writ, or after any such place becomes vacant, shall by himself or by any other ways or means on his behalf, or at his charge, before his election, directly or indirectly, give, present or allow to any person or persons having voice or vote in such election, any money, meat, drink, entertainment, or provision, or make any present, gift, reward or entertainment, or make any promise, agreement, obligation or engagement to give or allow any money, meat, drink, provision, present, reward or entertainment to or for any such person or persons in particular, or to any such county, &c. or place in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, or place, in order to be elected or for being elected to serve in Parliament for such county, &c. or place. — Sec. 1.

Any person so giving, &c. declared disabled and incapacitated upon such election to serve in Parliament for such county, &c. or place, and deemed and taken to be no Member of Parliament. — Sec. 2.

SCOTLAND.

Enacts, That every person disabled to be elected, or to sit or vote in The House of Commons of any Parliament of England, shall be disabled to be elected, or to sit or vote in The House of Commons of any Parliament of Great Britain. — 6 Anne, c. 7. s. 30.

The Select Committee on the Election for the Forfar District of Burghs (1830): — Sec. 30.

Resolved,—"That it is the opinion of this Committee, that the stat. 6 Anne, c. 7, s. 30. extends the stat. 7 Will. 3, c. 4, to Scotland."—*Talbot's Report of the Case of Forfar*, p. 69.*

GREAT BRITAIN.

AN ACT for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament:—1729. — 2 G. 2, c. 24.

Recites, that it is found by experience that the laws already in being have not been sufficient to prevent corrupt and illegal practices in the election of Members to serve in Parliament, and for remedy thereof enacts, That at every election of any Member, &c. every voter, before he is admitted to poll, take the following Oath, in case the same shall be demanded by either of the candidates, or by any two of the electors:— — Sec. 1.

"I, *A. B.* do swear, I have not received, or had, by myself, or any person whatsoever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office, employment or gift, in order to give my vote at this Election, and that I have not been before polled at this election."†

Returning

* Committees seem to have required proof, not only that the treating has been with the knowledge of the candidate, but at his charge.—(*See* "Rogers on Elections," p. 241.)

A question has also been raised whether Committees may in their discretion avoid elections on the ground of corrupt treating *previous to the teste of the writ*, and no express decision seems to exist on the point. It is, however, an offence at common law as a species of bribery.

It has also been doubted whether evidence of treating is admissible against an unsuccessful candidate; but it has been admitted against a candidate on whoes behalf a Petition has been presented, alleging that he ought to have been returned.

† Re-enacted by 43 G. 3. c. 74.

Sec. 2. Returning officer admitting any person to be polled without taking the oath, if demanded as aforesaid, to forfeit 100*l.*

The like penalty on any person voting without having taken the oath, if so demanded.

Sec. 3. Every returning officer, immediately after reading the writ, to take and subscribe the following oath:—

This section repealed as to Scotland, 16 G. 2, c. 11. s. 30.

"I, *A. B.*, do solemnly swear, That I have not, directly or indirectly, received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise or gratuity whatsoever, either by myself or any other person, to my use or benefit or advantage, for making any return at the present election, &c.; and that I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of legal votes."

Sec. 7. If any person who hath, or claims to have, or hereafter shall have or claim to have any right to vote in any such election, shall ask, receive or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift, office, employment or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote in any such election, or if any person, by himself or any person employed by him, doth or shall by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes, or to forbear to give his or their vote or votes, in any such election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit 500*l.*; and every person offending in any of the cases aforesaid from and after conviction shall for ever be disabled to vote in any election of any Member to Parliament, and also shall for ever be disabled to hold, exercise or enjoy any office or franchise to which he then shall or at any time afterwards may be entitled as a member of any city, borough, town corporate or cinque port, as if such person was naturally dead.

Sec. 8. Offenders not having been before convicted discovering others within twelve months after election, on conviction of persons so discovered, indemnified.

Sec. 9. The Act to be read at the time of election openly before the electors, and at the Easter quarter sessions every year, and at every election of magistrates and town councillors for boroughs in England and Wales.

Sec. 10. Prosecutions to be commenced within two years, and carried on without wilful delay.

9 G. 2. c. 38. Amends 2 Geo. 2, c. 24, as to process in cases of prosecution.

GREAT BRITAIN AND IRELAND.

An ACT for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of Seats in Parliament by corrupt Practices:—1809.

9 G. 3. c. 118. c. 1. After reciting that the giving or procuring to be given, or promising to give or to procure to be given, any sum of money, &c. in order to procure the return of any Member to Parliament, if not given to or for the use of some person having a right or claiming to have a right to act as returning officer, or to vote at such election, is not bribery within the meaning of 2 Geo. 3. c. 24; but that such gifts or promises are contrary to the ancient usage, right and freedom of elections, and contrary to the laws and constitutions of this realm:

Enacts, That if any person shall, either by himself or by any other person or persons for or on his behalf, give or cause to be given, directly or indirectly, or promise or agree to give any sum of money, gift or reward to any person, upon any engagement, contract or agreement, that such person to whom, to whose use, or on whose behalf such gift or promise shall be made, shall by himself or by any other person whatsoever, at his solicitation, request or command, procure or endeavour to procure the return of any person to serve in Parliament for any place, every person so having given or promised to give, *if not returned himself* for such place, shall, for any such gift or promise, forfeit 1,000*l.*; and *if returned*, and so having given or promised, *or knowing of and consenting to* such gifts or promises, upon any such engagement, is declared and enacted to be disabled and incapacitated to serve in that Parliament for that place, and is to be deemed and taken to be no Member of Parliament.

Every person receiving or accepting of any such sum of money, gift or reward, or any such promise, &c., to forfeit the value of the gift and 500*l.*

Sec. 2. This Act not to extend to legal expense *bonâ fide* incurred at or concerning any election.

Sec. 3. If any person shall give, procure or promise any office, place or employment to any person, upon any *express* contract or agreement, that such person to whom such gift or promise shall be made, shall procure or endeavour to procure the return of any Member to Parliament, the person returned, so having given or promised, or knowing of and consenting to such gift or promise, upon any such express contract or agreement, declared incapacitated as before, and election void.

The person accepting the office is to forfeit it and be incapacitated for holding it, and forfeit 500*l.*

Any

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Any person holding office under the Crown, who shall give any office, appointment or place upon any such express contract or agreement, shall forfeit 1,000 *l.*

Prosecution to be commenced within two years. Sec. 4.

ENGLAND AND IRELAND.

AN ACT to make further Regulations for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections:—1827.

Enacts, That if any person shall, during any election of a Member of Parliament, or within six months previous to the same, or within fourteen days after its completion, be employed at such election as counsel, agent, attorney, poll clerk, flagman, or in any other capacity, for the purposes of such election, and shall at any time, either before, during or after such election, receive any money from the candidate or any person whatsoever, for such employment, he shall be deemed incapable of voting at such election, and his vote shall be void. 7 & 8 G. 4. c. 37. Sec. 1.

No person hereafter to be elected shall, after the receipt of the writ, or after the vacancy in time of Parliament, before his election, directly or indirectly give or allow to any person having a vote at such election, or to any inhabitant of the place, any cockade, ribbon or other mark of distinction. Sec. 2.

Penalty for each offence, Ten Pounds. Sec. 3.

Not to extend to Scotland. Sec. 4.

IRELAND.

AN ACT for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned:—1795. 35 G. 3. c. 29.

Enacts, That any returning officer, before he proceeds to take the poll, take and subscribe, in open court, an oath of the same nature as that required to be taken by returning officers in England, by 2 Geo. 2, c. 24, sec. 3, with the additional words, nor "*will I hereafter*, directly or indirectly receive," &c. Sec. 9.
Every deputy to take a similar oath.

Prohibits any fee, gratuity or reward being given to a returning officer for making out the return. All contracts, &c. to any returning officer for this purpose declared null and void. Sec. 14.

Persons giving or accepting such gift, &c. to procure any false return, to forfeit the value and 200 *l.*

Enacts, That no person to be hereafter elected to serve in Parliament for any county, &c. or borough shall, after the teste of the writ, or after the vacancy, by himself, his friends or agents, or any person or persons employed on his behalf, directly or indirectly give, present or allow to any person or persons having a vote in such election, any money, meat, drink, entertainment or provision, cockades, ribbons or any other mark of distinction, or make any present, gift, reward or entertainment, or shall at any time hereafter make any promise, agreement, obligation or engagement, or give or allow any money, meat, drink, provision, present, entertainment or reward to or for any such person or persons in particular, or to any such county or borough in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, place or places, in order to be elected, or for being elected to serve in Parliament for such county, &c. or borough; and that every person, &c. giving, &c. shall be disabled and incapacitated to serve in Parliament upon such election for such place. Sec. 19.

If any person who shall have or claim to have any right to vote, &c. shall, directly or indirectly ask, receive or take any money or other reward by way of gift, employment or other reward whatsoever, for himself or any of his family or kindred, to give his vote or to abstain from giving his vote in any such election, or if any person by himself, his friends or by any person employed by him, shall by any gift or reward, or by any promise, or agreement or security for any gift or reward, corrupt or procure any person to give his vote in any such election, or to abstain from giving the same, such person shall for every such offence forfeit 500 *l.*; the person offending on conviction disabled from voting in any election of Members of Parliament, and disabled from holding, exercising or enjoying any office or franchise to which he then should or at any time afterwards might be entitled as member of any city, borough or town corporate. Sec. 23.

Requires any voter, at the desire of any candidate or *elector*,* to take the Bribery Oath before he polls, similar to that required in England by 2 Geo. 2, c. 24, s. 1, with the additional words, "or for the use and benefit of any of my family or kindred to my knowledge or belief." Sec. 60.

Any

* 2 & 3 Will. IV. c. 88, s. 54, seems to limit this to the desire of *the Candidate*.

Sec. 77. Any offender, with certain exceptions, discovering any other person offending against the Act, within twelve months after the offence, on conviction of such person, to be indemnified.

Sec. 78. Prosecution to be commenced within one year after the offence.

This Act is repealed, so far only as it relates to elections of Members for counties of cities and counties of towns, by 4 Geo. 4, c. 55.

IRELAND.

1 & 2 G. 4. c. 58. AN ACT to regulate the Expenses of Elections of Members to serve in Parliament for Ireland:—1821.

Sec. 3. No person to be hereafter elected to serve in Parliament, &c. shall by himself, &c. give any fee or reward, upon any account whatever, to any returning officer or deputy; every person so giving is disabled from serving in Parliament upon such election for such place.

Sec. 5. No candidate to pay any agent any sum exceeding the sum set forth in the Schedule.

Sec. 6. Any candidate giving to any agent, &c. more than set forth in the Schedule, disabled from serving in Parliament upon such election for such place.

4. G. 4. c. 55. AN ACT to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament for Counties of Cities and Counties of Towns:—1823.

Sec. 1. Repeals so much of 35 Geo. 3, c. 29, as relates to counties of cities and counties of towns.

Sec. 48. Re-enacts the Bribery Oath to be taken by every voter, if required *by any candidate, or the inspector of any candidate.**

Sec. 73. Re-enacts 35 Geo. 3, c. 29, s. 14.

Sec. 79. Re-enacts 35 Geo. 3, c. 29, s. 19.

Sec. 81. Re-enacts 35 Geo. 3, c. 29, s. 23.

Sec. 87. Prosecution to be commenced within one year after the offence.

Appendix, No. 2.

CORRESPONDENCE relating to *M. Singleton*, Esq. and the Rev. Mr. *Maher*.

From *T. Drummond*, Esq. to *W. H. Ord*, Esq., Chairman of Committee on Bribery and Intimidation at Elections.

Sir, Dublin Castle, 12th August 1835.

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, and in reply beg to transmit herewith copies of a correspondence between Mr. Singleton and Sir William Gosset, relating to some charges against the Rev. Mr. Maher, of Carlow, in order that same may be laid before the Committee on Bribery and Intimidation at Elections, agreeably to their desire.

I have the honour to be, Sir,

Your humble servant,

T. Drummond.

From *M. Singleton*, Esq. to Sir *William Gosset*.

Sir, Milford House, Athy, 23 Nov. 1833.

I HAVE the honour to inform you, that the people in the neighbourhood of Corbally have refused to dig Mr. John Kennedy's potatoes. I was compelled to cut his harvest by the police, in consequence of a similar conspiracy against him. The only cause that can be assigned for such conduct is his having prosecuted a notorious Whitefoot to conviction at the last assizes in Maryborough. On the night of Tuesday last some persons maliciously broke his plough, which he had for getting his potatoes out of the ground, as he could not get any person to dig them; in fact every person who have come forward and assisted the Crown in the prosecution of the Whitefeet in this county, is subject to the greatest annoyance, and only reside in it under the protection of the police.

I send herewith a copy of an information, sworn before me by a Crown witness named Mrs. Bridget M'Carthy, describing the treatment which she is compelled to endure in consequence of the reprehensible conduct of the Rev. Mr. Maher, a Roman Catholic clergyman in Carlow; the fact set forth is capable of corroboration. This woman and family are completely

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* *Sed vide* 2 & 3 Will. 4. c. 88, s. 54.

Note:—All the above-mentioned penalties may be recovered at the suit of any person in any of the Courts of Record at Westminster or Dublin, or in the Court of Session or Court of Justiciary in Scotland, as the case may be.

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pletely proscribed in that town, and no person dare buy any thing from her, in consequence of which she should have quit it or starve, but that her husband has good pension from the military service. I should have ere now recommended her to leave it, but fearing it would be a bad example to the public, in which opinion I am joined by many of my brother magistrates.

I have, &c,

(signed) *M. Singleton.*

From *William Smith,* Constable, to Captain *Singleton.*

Honoured Sir, Ballylonain, 19 Nov. 1833.

On last night, the 18th inst. in the barony of Ballyadams, and on the lands of Corbally, there was one plough maliciously broken by some person or persons unknown. The plough was one which John Kennedy borrowed from a friend to plough out his potatoes, as he can get no man to dig them. He the said John Kennedy was working with the plough yesterday, and on going to work this morning found it broken on his land. This is John Kennedy who has the police at his house for protection.

Yours, &c.

(signed) *William Smith,* Constable.

INFORMATION.

County of Carlow, To wit. } The Information of *Bridget M'Carthy,* wife of *Laurence M'Carthy,* of the Town of Carlow.

Informant being duly sworn, examined and saith, That on Saturday the 9th November instant, she appeared before M. Singleton, esq. a magistrate, at Milford, in the Queen's County, and swore an information against one Thomas Prandy, for attacking her house and threatening her, if she did not quit her house in Carlow aforesaid: saith, That on Tuesday the 12th November instant. she received a message from the Rev. James Maher, parish priest of Carlow, that he wanted to speak to her in the vestry room of the chapel, in consequence of which she proceeded thereto, where she met the said Mr. Maher with two men and the clerk to the chapel (as she had heard); said Mr. Maher desired her to sit down, at which time he had a newspaper in his hand, and told her, "He wanted her to clear his character in the newspaper, and asked her, did he call her an informer and prosecutor; and did Singleton want her to swear against him the said Mr. Maher? Was she before the said Mr. Singleton on Saturday last, and did she swear an information before the said Mr. Singleton?" Informant replied, she did swear an information. Saith, during her conversation with the said Mr. Maher, the aforesaid clerk was writing: saith, the said Mr. Maher handed to one of the aforesaid two men a paper, and directed her to go swear to it before Mr. Haughton, a justice of the peace: saith, she did not swear to said affidavit: saith, on Thursday, 14th November instant, a woman (who, she believes to be the wife of the gate-keeper at the college), came to informant, and said that Father Maher wanted her for a few minutes in the vestry-room of the chapel; she replied, she would not inconvenience herself to go to him, and that she did not go: saith, in the course of said Thursday she met the said Mr. Maher in the street of Carlow, who told her that he wanted to speak to her in the vestry-room, with whom she went to the said vestry-room, when and where she saw Mr. Moone, a magistrate, and again asked her to clear his character in the newspaper; and would she swear that he did not call her a prosecutor or informer: saith, the said Mr. Maher handed to her a book, and Mr. Moone administered an oath to her, but neither one or the other read any paper for her at the time: saith, the reason she so swore before Mr. Moone was from dread and terror of the aforesaid Mr. Maher: saith, what she swore before the magistrates in the petit sessions, in the Court-house of Carlow, on Thursday the 31st October last, is true and correct; to wit, that the said Father Maher said "she was a devil from hell, that she was a prosecutor who prosecuted in Maryboro'; that he would not allow her into the chapel, and that she was an ugly devil," and desired the people at the same time not to speak to her, and further told the people not to buy any thing from her; in consequence of which she could not sell her pig's heads; and she was ultimately compelled to throw said pigs heads into the Barron River: saith, she soon after went to the police barracks at Graigue, and told constable Fitzell the aforesaid names the priest called her, and that no person would buy anything from her: saith, Peggy Keating, of Graigue, was beat severely for buying from her some pork.

her
Bridget × M'Carthy,
mark.

Sworn before me, this 21st day of November 1833.

(signed) *M. Singleton.*

This information truly read by to informant, in presence of Constable Fitzell and Sub-constable Raymond.

(signed) *Henry Fitzell.*
Robert Raymond.

COMPLAINT of the Rev. Mr. *Maher* of Carlow.

From Right honourable *E. J. Littleton* to *M. Singleton*, Esq.

Sir, Dublin Castle, 29 November 1833.

I AM directed by the Lord Lieutenant to forward to you the Memorial of the Reverend James Maher, a Roman Catholic priest, who charges you with having cast unfounded imputations on his character on the 7th and 14th instant, in open court; his Excellency therefore requests you will report fully on the allegations contained in the Memorial for his information.

I am, &c.
(signed) *E. J. Littleton.*

P. S.—You will please to return the Inclosure.

To his Excellency the Marquis WELLESLEY, Lord Lieutenant of Ireland.

The humble Memorial of the Reverend *James Maher*, Clerk,

Sheweth,

THAT Memorialist most respectfully approaches your Excellency to pray an inquiry into the conduct of —— Singleton, esquire, chief constable of police of the county of Carlow, on the 7th and 14th days of November instant, so far as regards your memorialist, on whose character that gentleman in abuse of his magisterial capacity, and in open court did on those days make a public, unprovoked, deliberate and unwarranted attack, connected with circumstances which prove it not only grossly unjust towards memorialist, but tending strongly to bring the administration of justice into disrepute, and to weaken the force and just influence of the magistracy on the people in that county.

Your Memorialist sheweth, that he has been for many years a parish priest in the counties of Kilkenny and Carlow, and during the whole of that period has not only not been in any degree guilty of indirectly or privately promoting or conniving at any violation of the law, but has been habitually known to be active at all times, and particularly within the last three years, in resisting the progress of Whiteboy and Whitefeet offences, and in bringing offenders of those descriptions to justice by all means within his power as a man and a clergyman. And as proofs thereof memorialist can, with pleasure and confidence, refer to public testimonials, ready to be produced, of several magistrates of high character in both counties, of Mr. Bookay, Mr. Molony, Mr. Thomas Haughton, Sir Francis Loftus, &c. acknowledging not only the delivery of arms taken from Whitefeet at various times, but also witnesses produced by memorialist to prosecute disturbers of the peace in times when intimidation against witnesses generally prevailed; and stating moreover personal services of memorialist when accompanied by magistrates and police, at his requisition, in places where outrages had been committed, and testifying that the comparative peace and good order which prevailed in the large parish entrusted to his care, whilst the surrounding districts were disturbed, was attributed as well by the magistrates as by the people, to the individual exertions of memorialist so active indeed has he been in opposing all disturbers of the peace within his neighbourhood, that his life has been in more than one instance threatened.

Memorialist did therefore hope that as a loyal subject and one well-affected to the laws and maintenance of peace and good order, his character was above suspicion, and safe at least from any public charge or imputation by any magistrate of the county, even those whose enmity he had incurred by voting for the present county representatives, an enmity early evinced to be virulent if not implacable by aspersions, most gross and most groundless, thrown upon memorialist by name in a petition against the return of those members by two of those magistrates, Mr. Thomas Kavanagh and Mr. Bruen, but in support of which aspersions not one syllable of evidence was given or even offered before the Select Committee who tried that petition, and declared the Sitting Members duly elected. It was not therefore without surprise that memorialist found, in the early part of November, that even this well-established character was insufficient to protect him; and that Mr. Singleton, when sitting with some other magistrates to try a charge in which Bridget Carthy was prosecutrix against Thomas and Andrew Prandy the defendants, and which Mr. Singleton expressly stated to be a case of conspiracy against the laws, and came under the Whiteboy Act, and that the charge was very clearly established by the evidence that had been given of a persecution of the prosecutrix, and threats to compel her to quit her residence, and that a Whiteboy conspiracy was clearly proved; and he proceeded to say in the course of a speech addressed to the bench, and before a crowded audience, "That he had in his possession informations against persons concerned in the conspiracy, and of one in particular whose duty, from his profession, it would be to respect the laws and promote peace and good will and support those who administered justice;" "that if he had not sufficient evidence to institute a criminal prosecution against those persons, he had at least sufficient to institute proceedings for a base attempt to defame this poor woman's character, and he was convinced there was not a gentleman in the Queen's County who will not come forward with his purse to protect her, and to defend her rights as a British subject." Memorialist was in court during the whole of this extraordinary and unjustifiable harangue; and not only from the allusion of Mr. Singleton to memorialist's clerical profession, to which he did manifestly allude, but also from the manner in which Mr. Singleton, in a marked manner, directed his address to memorialist then standing in his presence, memorialist confidently

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confidently charges on Mr. Singleton that it was levelled at memorialist, and that it was intended by Mr. Singleton so to be understood by the court and crowd to which it was addressed; that it was so taken actually, and that in consequence the impression made by it on the public was, that Mr. Singleton had taken informations against memorialist at least, and perhaps others of the Roman Catholic clergy, charging them with being concerned in a Whiteboy persecution, and that even at now for ought memorialist at present knows, Mr. Singleton, in his character of magistrate, may be collecting funds by subscription to institute legal proceedings, in the name of that person or in her aid, to harrass and oppress your memorialist by vexatious litigation, an offence for which, memorialist is advised and believes, Mr. Singleton would, if guilty, be liable to a criminal prosecution. One thing at least is certain, that Mr. Singleton, by suggesting a public subscription to aid this woman Carthy in defence, as Mr. Singleton expresses it, of her rights, he has given encouragement and excited to the commission of that crime against your memorialist and public justice.

Memorialist humbly submits, therefore, on the whole of Mr. Singleton's conduct on this 7th of November, that had Mr. Singleton duly considered his duty and character as a magistrate, if he really had received any credible information tending to charge memorialist or any other of the Roman Catholic priesthood to which he alluded, with any offence against the law, he should have proceeded upon those informations in the regular course, instead of thus irregularly, untimely, ambiguously, and insidiously using them to malign and asperse those who, from the manner in which the charge was made, could not properly make defence other than by a positive and fearless denial of imputations thus unwarrantably and publicly made; and memorialist for himself and also on behalf of the other Roman Catholic clergy of the county of Carlow or elsewhere within his knowledge, positively denies that he did at any time, nor did those Roman Catholic clergy to his knowledge or belief, or any of them, persecute or intend to persecute the woman Carthy for any purpose or for any cause whatever. And in justification of himself individually, memorialist saith, that the first interview he had with the woman Carthy, was in his character as a clergyman, and solely in consequence of being solicited to visit her both by her sister and husband, for the sole purpose of reproving and if possible reclaiming her from habits of daily drunkenness and dangerous indulgence of a violent temper; and memorialist's visit was paid at a time when it happened there were other persons present, who can attest what did actually take place; and memorialist now no farther adverts to it than positively to deny that any such language was used by memorialist to her on that occasion, as is reported to have been sworn by her in her evidence given on the 31st of October, or any language but that which was befitting a christian clergyman under the circumstances, and which memorialist, when any proper occasion shall occur for so doing, will be able and ready fully to defend. The only other occasion on which memorialist had any communication with her, was one sought by her and obtruded upon memorialist on the 12th or 13th of November last; on that occasion, without being directly or indirectly sent for by memorialist, and without being expected by memorialist, she appeared at the vestry door of his chapel and addressed memorialist, and desired to speak with him. Memorialist, who had been fully apprized of her character, and who had seen the report of her evidence respecting memorialist's visit to her as given in the Carlow Sentinel, and which as there given, was utterly false, refused to speak to her but in the presence of others, and therefore called two persons, who happened to be present, to witness what she had to say. What she said was taken down in writing at the moment, and in substance amounted to a denial that he had used (on memorialist's visit to her) the expressions reported to have been sworn by her on the 31st of October. Nothing whatever took place on that occasion, or was said respecting the charge for which Prandy was in prison on her evidence, or the future prosecution of the persons whom she had prosecuted or was to prosecute.

Your memorialist further states, that though memorialist deeply felt the injustice of Mr. Singleton's conduct in the speech of which he complains, yet being inclined to hope he was acting from an erroneous impression respecting the character of memorialist, or of the woman Carthy, memorialist, before Mr. Singleton quitted the bench, thought it right to apprize (memorialist did state to) him as an individual that he would find on examination that this woman's character was of the worst kind, and that even her own sister who was in court would inform him, she was not entitled to credit on her oath; that this sister was at that time in court and might be consulted on the subject; that as to memorialist, so far from countenancing any persecution of a woman who had given information against Whitefeet, he had himself been at all times active in bringing Whitefeet and other disturbers of the peace to justice, and had procured many of them to be arrested and given into the hands of the police. Mr. Singleton, however, did not think proper to avail himself of the information which might have been had from consulting with this relative of the prosecutrix, but on the contrary sent for the prosecutrix the next day, and memorialist has been informed and is confident he will be able to prove, endeavoured to persuade the woman to swear informations against that relative for defaming her character. It is the more surprising that Mr. Singleton should have so perseveringly refused to inform himself as to the character of this woman, she having on that very day when she was first examined, and in the presence of Mr. Singleton himself, prevaricated in the grossest manner, and on a material point of fact, for on her direct evidence she swore she had been kicked by Prandy at the time she delivered him the summons; and on her cross-examination by Prandy, she said she had left the summons with Prandy's wife and daughter, afraid to give it to himself, on which Mr. Singleton himself at the time observed, "she was now caught."

Memorialist now takes leave to submit to your Excellency the conduct of Mr. Singleton on the next following court day, the 14th November. In the interval, Mr. Singleton had

abundant opportunity to inform himself both with respect to the character of memorialist, which he had aspersed, and as to the particulars of memorialist's intercourse with Carthy; instead, however, of availing himself of the time thus afforded for reflection and enquiry, he appeared at the court of petty sessions on that 14th of November, and, though there was no cause pending, nor any question to be tried or discussed respecting the prosecution by Carthy, (every thing connected with those subjects having been disposed of at the preceding Court) Mr. Singleton gratuitously introduced the former proceeding in the case of Carthy against Prandy. On this occasion he addressed a speech to the court and the public, more unjust and injurious to memorialist than even that which he had delivered on the former day. Memorialist will not trouble your Excellency with all the various topics of that speech, nor a detailed account of the debate on the bench to which it gave rise. It will suffice to state that in this speech to the court and people, without propounding any question to the court for its decision, without any previous notice to memorialist either written or verbal, or any kind of proceeding being instituted which would let in or warrant any examination by witnesses or evidence of any kind, Mr. Singleton did address memorialist by name, and after stating that there was a Whitefoot conspiracy on foot against the law and constitution, did falsely and directly charge him with having, as connected with such conspiracy, tampered with a Crown witness, with having summoned that Crown witness, and with having intimidated her. Some of the magistrates present adverted to the irregularity and impropriety of this proceeding. Mr. Singleton, however, persisted in his course and insisted on the propriety of it. Another magistrate contended that there was no charge on the court book against memorialist, and that, therefore, and without notice, such a case could not be gone into. Memorialist, however, who was in court said, as he hopes he shall always be able to say, that he was at any time ready to answer to any charge of Captain Singleton. Mr. Singleton then proceeded to state in the way of interrogating and for the purpose not of proving the fact, but of getting admissions or information from memorialist, as follows: — That he was instructed memorialist after Mr. Singleton had taken the informations of Carthy, had sent a messenger to this woman to wait on him in the vestry room; that he, memorialist, had then a private interview with her, when she came as sent for; that he then held a conversation with her on the subject of the ensuing Whitefoot prosecution against Prandy, and committed to paper the substance of that conversation to be sworn to by her. A magistrate again interfered, and protested against the irregularity of such a proceeding. Mr. Singleton still persevered; said he would not learn his duty from that magistrate, and insisted that memorialist had acted not only improperly but illegally, and that he would charge him with tampering with a Crown witness.—Memorialist then, irregular and unjust as he felt this proceeding to be, answered directly to the charges in substance as hereinbefore stated in detailing what took place when Carthy obtruded herself on him at the vestry; he said it was not true he had sent for her, that she had obtruded herself on him, that he found her sitting near the door of the vestry, and that she said she wanted to see him; that he replied he would not speak to her or with her, but in the presence of witnesses; that he then called in two men to witness the conversation; that in that conversation not one word was said about the forthcoming prosecution, the whole being confined to the subject of a previous transaction no ways connected with it; that the whole of the conversation was committed at the time to writing; that he had the paper in his pocket, and was ready to submit it to the court. Mr. Singleton then asserted that he had got an admission of what he wanted to establish, and that memorialist was unquestionably tampering with a Crown witness, whatever might be the contents of that paper.

Thus it appears, on the admission of Mr. Singleton himself, that though he at last by a premature and untrue accusation, made suddenly and publicly, and by a most irregular and illegal proceeding, contrived to put memorialist on trial, without notice or witness, or legal assistance, the whole of "what he wanted to establish," (though his charges on those two days combined, conspiracy, whitefootism, criminal persecution and defamation) amounted only to what memorialist is advised and hopes will be found to be an act perfectly harmless and justifiable, namely, suffering one of his parishioners, who had obtruded herself upon him, to state in presence of witnesses that the evidence given by her, and reported in a certain newspaper, relative to memorialist's visit as a clergyman was untrue.

Had the matter ended here, memorialist would have been not disinclined to attribute Mr. Singleton's misconduct to ignorance of law, or of his duty as a magistrate; but memorialist has now to state to your Excellency, what appears to memorialist greatly to aggravate that misconduct, namely, that after the transaction just detailed had ended, one of the magistrates on the bench, who had early adverted to the irregularity of the proceeding, applied to Mr. Singleton to request him to apologize for what had happened, as having arisen from error or misinformation; to which advice memorialist has been informed by that magistrate, Mr. Singleton expressed himself inclined to accede in justice to memorialist, but eventually and on deliberation declined to do so.

The same magistrate who had thus interfered then, addressing the chairman and the bench, expressed his hope that the statement of memorialist, in reply to the charges of Mr. Singleton, would now induce the court to declare their opinion that he had completely exculpated himself; to this the chairman replied, that as no case had been officially submitted to them as magistrates, they could not come to any decision.

Memorialist does not complain that the magistrates did not decide when no charge had been regularly and in due course of law brought before them; but he does with great respect, most justly complain of the conduct of that magistrate, who thus on two successive days threw out those various and deeply disgraceful charges against memorialist, in a manner

and

and at a time and place, when though no decision could be had to acquit or regularly to condemn, yet much pain had been given and much injury suffered, and may hereafter be suffered by memorialist, as well as by the body of Catholic clergy in the county of Carlow, to whom the imputations thus scattered by Mr. Singleton, evidently may extend. He complains that after being put upon his defence by interrogations in a court of justice, and having acquitted himself of all offence or illegality, a crowded audience, chiefly as usual in Ireland, Roman Catholics, has been suffered to depart from a court of justice with the impression resting on their minds, that a Catholic priest, of whose loyalty, innocence and integrity they had (as memorialist is convinced the Catholic population of the county Carlow had and have of memorialist) the most perfect assurance, yet may be unable even after a full vindication of himself from the only offence openly and specifically made against him to procure a judgment of innocence to be pronounced by that court.

In conclusion, memorialist is now driven to seek his remedy against a magistrate of the county in which he lives, and holds a responsible and sacred station, a remedy for slanderous imputations unproved and unwarranted in every view that can be taken of them; charges against him as a Catholic priest, and calculated as such to affect the whole of the Catholic clergy in the county, for so they have been understood, and urged by the only newspaper press in that county, and one which is exclusively in the power, and always the partizan, of that powerful political Protestant party, out of whom the magistracy of the county is, as to by far the greater part, taken—a party that memorialist laments to say, he knows by experience has already endeavoured, and still daily endeavours, to wreck its vengeance on the Catholic priesthood and Catholic people of the county, even for daring to exercise their elective franchise against the will and bidding of the leaders of this dominant, unfeeling and imprudent body of men. Your memorialist is not unaware that an action or an indictment may punish such an offence as this when committed by one individual against another. But your memorialist, avowing that he feels, not for himself only (safe in the consciousness of his own integrity) but for the peace and well being of the people among whom he lives, and whose peace, temporal and spiritual, he feels himself bound by the sacred character he sustains, to consult in all his actions, now most earnestly and humbly submits to your Excellency's superior wisdom, that an action or an indictment, however successful it may be in the individual case, will not secure the public against a dangerous recurrence of offences of a similar kind, and against a repetition of a like irritating and inflaming injustice, such as Mr. Singleton has inflicted in the present instance; and that, where in this case, an individual vested with magisterial power abuses it, even over one so humble as memorialist, but still one of a large and he will still say (notwithstanding the obloquy thrown upon them) a most respectable body of Christian clergy, it is not the payment of a sum of money in pounds, shillings and pence from a defendant to a plaintiff, as damages to the injured individual, that is best calculated to protect the public from future and even numerous abuses of power and authority against unresisting poverty and weakness. While an offender, like chief magistrate Singleton, remains vested with power which he has deliberately abused, as part of, and in the presence of a court of justice, against the upper order of a religious denomination, the humbler members of that body, the great mass of the Catholic population, cannot and will not feel confidence in laws, under which the abuse of them may be punished by the wealthy litigant when injured, yet the numerous poor who cannot litigate may be injured, insulted and wronged with perfect impunity.

Your memorialist therefore most humbly prays that an inquiry may be directed by your Excellency, in which memorialist may have an opportunity of supporting by evidence the facts he has stated, and that if they shall be proved, Mr. Singleton may be dismissed from being a magistrate for the county of Carlow.

James Maher, Clk.

From *M. Singleton*, Esq., to the Right Honourable *E. J. Littleton*.

Sir, Milford House, Athy, 3 December 1833.

I HAVE had the honour to receive your letter of the 29th ultimo, covering a memorial addressed to the Lord Lieutenant, from the Rev. James Maher, against me.

In reply, beg to inform you, that with respect to what occurred on the 31st October at Carlow petty sessions, on which day Mr. Maher's conduct was the subject of inquiry by the magistrates, I have nothing to say, inasmuch as I was not present at the sessions, and was not aware of the charge that was made against him until I read it in the newspaper report of the session proceedings; and as to what I said on the 7th of November, it was a short advice to the people not to violate the laws, and I did not allude to the Rev. Mr. Maher, whose person before that day I did not know, consequently could have no motive whatever for casting aspersions on his character; thus I have disposed of two days, on which charges have been founded against me.

Adverting to his complaint of the 14th November, he has himself summed it up in four lines, which are marked in paragraph No. 6, notwithstanding he has written five pages on extraordinary size paper upon it. I shall endeavour to answer his voluminous memorial by paragraphs.

No. 1.—I deny having made any attack upon him, or allusion to Mr. Maher, on the 7th November; and I aver that I did not cast aspersions upon his character on the 14th.

No. 2.—I do not find any complaint against me.

No. 3.—His complaint is against Mr. T. Cavenagh and Colonel Bruen, on a petition to Parliament, &c., with which I had and have nothing to say, and is quite foreign to the present inquiry. I have already (in No. 1.) stated, that I did not direct my conversation to Mr. Maher, but it was an advice to the people to obey the laws, and not to leave themselves liable to criminal and civil prosecutions; that the magistrates were determined to support every person who had come forward and assisted Government in the suppression of the Whitefeet outrages and conspiracy that disgraced the counties of Carlow and Queen's. The justices coincided with the aforesaid observations of mine, and after a patient and minute inquiry into Mrs. M'Carthy's complaint against Thomas Prandy for threatening her if she not quit her house, he (Prandy) would bring a party of Whitefeet and turn her out, which he brought on the night of the 3d November, the magistrates, ten in number, unanimously requested I would prepare and take her informations against Prandy, and commit him to gaol. (Copies of said informations are inclosed, and marked 1, 2, and 3.)

I did not, is not, and will not collect any money to defray any law-suit on the part of Mrs. M'Carthy against Mr. Maher, or any other person.

No. 4.—Mrs. M'Carthy has distinctly sworn, that she went to the vestry-room on receiving a message from Mr. Maher to that effect, and when she entered it found in it two witnesses, a writing clerk, and Mr. Maher. She has also deposed on oath, that she received another message by the wife of a person in the employment of Mr. Maher for her to go to him, which she refused, and subsequently she was brought to the vestry-room by Mr. Maher himself, who put a book into her hand, and caused her to swear, through dread and terror, as appears by information No. 4. Why has not Mr. Maher sent to you the document that was prepared in the vestry-room? Simply because it was an affidavit which, if sworn to by her, would contradict the evidence that she gave upon oath on the 31st October before the magistrates in the court house of Carlow, which would defeat the ends of justice, and the informations Nos. 1, 2, and 3, against Thomas Prandy, at the next assizes! With respect to Mrs. M'Carthy's character, I do say, that Sergeant O'Loughlin, the presiding judge at last spring assizes in Maryboro', and a respectable jury believed her testimony, and found a man named Fylam Neill guilty upon it, who has been transported; and a full respectable bench of magistrates, in the court-house of Carlow, on the 31st October and 7th November, also believed every word she swore, and directed me to take her informations against Thomas Prandy, and commit him to gaol on her oath. Mr. Maher has represented her to be a daily drunkard, and still, for upwards of a year, she being in his town, he says he only saw her but once, upon which he ventures to say she is unworthy of credit upon her solemn oath. This appears to me to be a disreputable way for him to get shut of her information No. 4.

No. 5.—On the 31st October, Mrs. M'Carthy made oath before a full bench of magistrates, in the court-house of Carlow, that the Rev. James Maher (memorialist) called her the following most opprobrious names, which were sufficient to endanger her life; viz. "That she was a devil from hell;" "that she was a prosecutor, who prosecuted in Maryboro';" "that he would not allow her into his chapel," and "that she was an ugly devil;" and instead of his meeting her accusation openly, and by witnesses, he comes forward, and declares her to be not entitled to credit upon her oath, notwithstanding a judge of assize, a respectable jury, and three full benches of magistrates in Carlow and Queen's Counties, placed implicit credit upon her testimony and veracity.

I never asked Mrs. M'Carthy to swear an information against her sister for defamation of character, and it only exists in Mr. Maher's imagination, and he must have introduced it to give a colour to his statement. Mr. Maher spoke to me after the justices had decided on receiving Mrs. M'Carthy's information against Prandy, and said he had Prandy's witnesses in court; and he rsturned me thanks for not calling the witnesses, as if I did, he would be called upon to expose his defence, which will be necessary at his trial at the ensuing assizes. After such professions on Mr. Maher's part, I cannot account for how he has since come forward, and laid to my charge a complaint for not examining the witnesses, and if the charge was even founded in truth, it lies against ten other magistrates with whom I acted.

No. 6.—As I have before stated, I never aspersed Mr. Maher's character, and therefore had no necessity to reflect from the 7th to the 14th November upon what I did not say. Mrs. M'Carthy's prosecution against Thomas Prandy was not disposed of, at the court of sessions on the 7th, inasmuch as no information had been taken on that day, but the magistrates deputed me to take her informations. I therefore felt myself in duty bound to them (as well as in compliance with a Government order) to submit the informations on the 14th against Thomas Prandy, in order to discuss said information, to see if we should admit him to bail, and the charge was such against the prisoner, that the magistrates refused to bail him without permission from Government. I did not make a speech to the people, but spoke to the justices. Mr. Maher has not troubled his Excellency with my speech to the people, and the various topics, for the best reasons; because I made no speech, and therefore touched upon no topics. I did not charge Mr. Maher with a conspiracy against the laws and constitution, and he must have introduced that to defame my character with the Lord Lieutenant and you. It appears by information, No. 4, that Mr. Maher did send for the Crown witness, interrogated her as to what she had sworn before me. I did not interrogate Mr. Maher for the purpose of getting information and admissions from him, but at his repeated solicitations. "I stated, that I was instructed to say, that he (Mr. Maher) did send for Mrs. M'Carthy, the Crown witness, that he examined her to what she swore before me by information in the presence of two witnesses and a writing clerk; that he prepared an affidavit for her to swear;" and I further said, that after what she had sworn against him before the magistrates on the 31st October, it was not correct on his part to send for her and

examine

examine her as he did. Mr. Maher replied, he was obliged to me to have put him in possession of what I had heard against him, and that I acted most fairly by him in doing so; after Mr. Maher thanking me in a public court for my straight-forward conduct towards him, it is strange that he should since have come forward, and lodge a report against me. I cannot conceive why he should do so, except to get rid of the information (No. 4.) against him. I did not say Mr. Maher had a private interview with Mrs. M'Carthy, but he had one in the presence of witnesses who may hereafter come forward, and prove a conversation with her on Prandy's trial. Mr. Maher has stated, that I interrogated him not for the purpose of proving facts against him but to get informations and admissions, and he immediately after cites the charge I made against him. I deny having made use of that "I would not learn my duty from the magistrate;" my conduct, on the contrary, was so respectful towards the bench of justices, that I said I was their servant in the proceedings, and I was ready to submit to their instructions; the fact of the magistrates having made no complaint against me, proves my assertion of respect towards them, and having acted honourably and fairly by Mr. Maher.

No. 7.—The accusation against Mr. Maher was not untrue, as he was charged with it upon oath; and I told it him at his own solicitation. If the information was sworn against any other person, I should have issued a warrant, and compelled the person at least to give bail; but from the respect I have for the Roman Catholic clergy, I treated Mr. Maher as a gentleman, by telling him, upon the first opportunity, the charge made against him; and told him it would afford me much pleasure to assist him to relieve him of the complaint. Notwithstanding the grave, unjust, illegal and gross misconduct on my part, as set forth by Mr. Maher, he has stated he would have been satisfied with an apology from me, and by which I could have escaped his report, and his calling for my dismissal.

I positively deny any such application being made. Mr. Vigors, to whom he alludes, asked me *was I satisfied* with Mr. Maher's explanation to the complaint against him. I replied, on the advice of Mr. Duckett and others of the justices, that I could not then answer in the affirmative.

No. 8.—It appears, notwithstanding the explanation of Mr. Maher, and the zealous application of Mr. Vigors, the justices did not declare Mr. Maher had exculpated himself from the accusation of Mrs. M'Carthy, which they and I would have done, if we were satisfied with his explanation.

No. 9.—No charge is made against me, but comments on his own statement, but sets forth complaints against the body of the magistrates of the county, and, indirectly, against the Lord Chancellor for appointing them, with which and with whom I have nothing to say. He also alludes to a newspaper with which I have no communication or control over.

I am 19 years in the public service, during which long period I never abused the powers entrusted to me, and I could refer for testimonials to the Roman Catholic clergy of respect with which I at all times treated them. I have to complain of the unfair manner in which Mr. Maher brought his complaint against me, by introducing other persons and many subjects quite foreign to the case, imputing to me expressions and intentions that I never conceived nor uttered; but I cannot complain of such, when I see by the daily newspapers the first law officer of the Crown, judges and the members of the Government calumniated. I trust that if I have not answered satisfactorily every part of Mr. Maher's long and complicated memorial, you will be pleased to draw my attention to it.

I shall do myself the honour to wait upon you on Friday, to afford you any further information you may deem proper. I herewith return the memorial.

I have, &c.

(signed) *M. Singleton.*

From the Right Honourable *E. J. Littleton* to *M. Singleton*, Esq., Athy.

Sir, Dublin Castle, 18 January 1834.

Referring to the complaint recently made against you by Mr. Maher, and your answer to it, I am directed to acquaint you that Mr. W. H. Curran, barrister at law, who has been appointed to investigate into this matter, will repair to Carlow, and on Wednesday next, the 22d instant, proceed to inquire into the several circumstances connected with the case. Your attendance at Carlow on the above day will of course be expected.

I am, &c.

(signed) *E. J. Littleton.*

From the Right Honourable *E. J. Littleton* to Rev. Mr. *Maher*, P.P. Carlow.

Sir, Dublin Castle, 18 January 1834.

With reference to your memorial containing certain charges against Mr. Singleton, chief magistrate of police, I am to inform you that Mr. W. H. Curran, the barrister, who has been selected to inquire into this matter, will repair to Carlow, and on Wednesday next, the 22d instant, proceed to investigate the allegations brought forward in your statement. Your attendance at Carlow on the above day will of course be expected.

I am, &c.

(signed) *E. J. Littleton.*

Appendix, No. 3.

LETTER from Mr. *H. Cary* to Colonel *Henry Bruen*, with an Account.

Dear Colonel, Carlow, 15th August 1835.

William Murray became your tenant, without a lease, for part of the lands of Ballyhacket, containing 8 A. 0 R. 18 P. from the 25th of March 1822, at 40*s.* an acre, and on his complaining that the land was too dear, you agreed to allow him an abatement of 5*s.* an acre, yet he did not pay one shilling of the abated rent for the two years ending the 25th of March 1824, notwithstanding which you not only forgave him the two years' rent, but you gave him a lease of the land at 35*s.* an acre, commencing from 25th March 1824, from which period to September 1832, his payments did not amount, notwithstanding repeated applications on my part, to fully two years' rent, so that to September 1832, he owed you an arrear amounting to 85*l.* 3*s.* 8*d.* I take great discredit to myself for having allowed this arrear to accumulate, but I was induced to do so in consideration of his having a large family, and as he always represented himself to me as being very poor, and unable to pay his rent. In February 1833, I had ejectments served on him, which were tried at the April Sessions of that year; he took no defence, but in the June following he redeemed the land by paying the arrear, with the exception of 4*l.* 15*s.* 2*d.*, and he has since continued to pay his rent regularly, which proves to me that his previous allegations of poverty were unfounded, and that I was deceived. I send you my account books from 1826 to 1834, to show the state of his accounts. I never employed him as a rent warner, driver or gamekeeper on your estate; it is true I told him to protect the game on Ballyhacket, and not to allow any person to shoot on those lands without your orders; but this was the general direction given to all the tenants. He occasionally brought messages and notices from me to the tenants on that part of the estate, which were few in number, in like manner as I would ask any other tenant that I had a confidence in, but as to his being obliged to come into my office twice a week, there could, by no possibility, be any necessity for it, nor did he do so; he is a dealer in bacon, and as such had occasions to come frequently to Carlow on his own business, and he has called at the office on some of these occasions, and brought messages from and to the tenants, but I do not recollect that he ever was brought specially to Carlow on your business, though such may have been the case after the ejectment was served on him, but never before. He claimed to be allowed 10*l.* a year for his services; I told him he had no claim whatsoever, that his services were merely such as were expected from any other tenant; but I may have told him, though I am uncertain whether I did or not, that if he made a formal demand I would make him some allowance, perhaps I may have said 5*l.* a year, so as to remove all possible grounds of complaint on his part; but he absolutely refused my offer, which convinces me of the motives for the claim. I never furnished him with an account, nor was any account ever furnished by my directions, giving him credit for any allowance, or striking any balance of 36*l.* as being due by him, nor could I do so, as no allowance was ever made to him, or was he entitled to any; if such an account was furnished him, he no doubt would have produced it at the trial of the ejectment process, and I would have been bound by it. It is probable he might have procured my clerk to draw out an account in the way he wished it, but if he did so it was altogether without my knowledge; I knew nothing of it. You are aware that there are only two drivers on the whole estate, namely, John M'Crea and Matthew Griffith; their salary is only 8*l.* a year Irish each, therefore Murray's demand was absurd on the face of it, and could only have been suggested to him by some of the Agitators, in order to found a grievance on it.

Yours, very truly,

Hy Cary.

William Murray in Account with Colonel *Henry Bruen.*

Dr. | *Cr.*

		£. s. d.
1823:		
March - - 25	To One Year's Rent of part of the Lands of Ballyhackett ending this date, at 40 *s.* per acre, and containing 8 A. & 18 P. - - - - - - - - - - - -	16 4 6
	To Amount of Arrears due to 25th March 1823, brought forward - - - -	14 3 11¼
September - 29	To Half-year's Rent due this date - - - - - - - - - -	8 2 3
		22 6 2¼
1824:		
March - - 25	To Amount of Arrears due to 29th September 1823, brought forward - - -	21 5 10¾
	To Half-year's Rent due this date - - - - - - - - - -	8 2 3
		29 8 1¾
1825:		
March - - 25	To One Year's Rent of the above holding, ending this date, being at 35 *s.* per acre, and containing as above - - - - - - - - - - - -	14 3 11¼
		British.
September - 29	To Amount of Arrears due to 25th March 1825, brought forward - £. 14. 3 *s.* 11¼ *d.* Irish	13 2 1¼
	To Half-year's Rent due this date - - - - - - - - - - -	6 11 -½
		19 13 1¾
1826:		
September - 29	To Amount of Arrears due to 29th September 1825, brought forward - - -	19 13 1¾
	To One Yea's Rent due this date - - - - - - - - - - -	13 2 1¼
		32 15 3
1827:		
September - 29	To Amount of Arrears due to 29th September 1826, brought forward - - -	19 13 2
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		32 15 3¼
1828:		
September - 29	To Amount of Arrears due to 29th September 1827, brought forward - - -	32 15 3¼
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		45 17 4½
1829:		
September - 29	To Amount of Arrears due to 29th September 1828, brought forward - - -	39 6 3½
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		52 8 4¾
1830:		
September - 29	To Amount of Arrears due to 29th September 1829, brought forward - - -	45 17 4¼
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		58 19 5½
1831:		
September - 29	To Amount of Arrears due to 29th September 1830, brought forward - - -	58 19 5½
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		72 1 6¾
1832:		
September - 29	To Amount of Arrears due to 29th September 1831, brought forward - - -	72 1 6¾
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		85 3 8
1833:		
September - 29	To Amount of Arrears due to 29th September 1832, brought forward - - -	85 3 8
	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼
		98 5 9¼
1834:		
September - 29	To One Year's Rent due this date - - - - - - - - - -	13 2 1¼

		£. s. d.
	By One Year's Abatement to 25th March 1823 - - - - - - - -	2 - 6¾
	By Balance due to ditto - - - - - - - - - -	14 3 11¼
		16 4 6
	By Half-year's Abatement to September 1823 - - - - - - - -	1 - 3½
	By Balance due to ditto - - - - - - - - - -	21 5 10¾
		22 6 2¼
	By Half-year's Abatement to 25th March 1824 - - - - - - -	1 - 3½
	By Balance due to ditto - - - - - - - - - -	*28 7 10¼
	* *N. B.* Col. Bruen gave up this Balance, and Murray is to commence rent from 25th March 1824, at 35 *s.* per acre, as per lease.	29 8 1¾
	By Balance due to 25th March 1825 - - - - - - - - - -	14 3 11¼
		British.
	By Balance due to 29th September 1825 - - - - - - - - - -	19 13 1¾
1827:		
January - 27	By Cash - - - - - - - - - - - - - -	13 2 1
	By Balance due to 29th September 1826 - - - - - - - - - -	19 13 2
		32 15 3
	By Balance due to 29th September 1827 - - - - - - - - - -	32 15 3¼
1828:		
October - 6	By Cash, per William Murray - - - - - - - - - - -	6 11 1
	By Balance due to 29th September 1828 - - - - - - - - - -	39 6 3½
		45 17 4½
1830:		
February - 5	By Cash - - - - - - - - - - - - - -	6 11 -½
	By Balance due to 29th September 1829 - - - - - - - - - -	45 17 4¼
		52 8 4¾
	By Balance due to 29th September 1830 - - - - - - - - - -	58 19 5½
	By Balance due to 29th September 1831 - - - - - - - - - -	72 1 6¾
	By Balance due to 29th September 1832 - - - - - - - - - -	85 3 8
1833:		
June - - -	By Cash, per hands of Thomas C. Butler, Esq., Attorney - - - - -	80 8 6
October - 3	By Cash, per William Murray - - - - - - - - - - -	13 2 1
	By Amount given up under statute of limitation, on taking law proceedings - - -	4 15 2
		98 5 9¼
1834:		
April - - 24	By Cash - - - - - - - - - - - - - -	6 11 -½
October - 6	By Cash - - - - - - - - - - - - - -	6 11 -½
		13 2 1

Henry Cary.

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Appeals. Injustice of the mode of trying appeals from the Assistant Barrister's Court relative to registration in Ireland, *Lalor* 9493–9499.

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Armed Bodies. Are in the habit of going about at night in Wexford for the purpose of intimidating voters, *Hatton* 4309–4353.

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Arms. No instance in Meath of a Catholic being armed during the election, *Despard* 5961.

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Army. Declaration by officers relative to price of commissions not always efficacious, from their being no penalty attached, *Parkes* 1665, 1666.

Ash, Mr. Was offered a certain sum to keep out of the way during the Kerry election, *Supple* 12139.

Assassination. Instance of a voter willing his property away from his family to prevent his being assassinated, he having been threatened for voting for the conservative candidates, *Singleton* 5095–5100——Any person coming from Mountmellick, and giving evidence against his priest would be assassinated on his return, *Singleton* 5203–5208——The Catholic dean of Cashel did not spread a report of an intention to assassinate him, *M'Donnell* 8897, 8898.

Assaults. Assaults and other ill treatment have been visited on freeholders who voted against the popular candidates at Wexford, *Halton* 4371–4375——Prosecutions do not take place for assaults for fear of after consequences, *Brownrigg* 4622–4629——Prosecution of the parties who had committed an assault on two females in the service of the Bishop of Meath, *Despard* 5890–5909.

See also *Bagenalstown Petty Sessions. Canavan, John. Hughes, Edmund. Killarney Sessions. Le Marier, George. Mulligan*, Mr. *Nolan, Luke. Noonan, Patrick. Parder*, widow. *Smuggling.*

Assistant Barristers. Speech of the assistant barrister of Queen's County, who punished the parties for assisting in removing a girl from a chapel, against the non-dealing system, *Lalor* 9388–9392——Intimidate men from coming to register, *Lalor* 9491, 9492.

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Associations. Threats by tenantry of Ayrshire of forming an association for their protection from interference by either party, *Andrewes* 10452–10454——One formed by the liberals at Halifax to protect the voters in their interest, but which did but little, *Craven* 3539–3545——Voluntary association formed at Knockgeden in 1832, of which witness was preces, for the purpose of supporting Mr. Oswald, *Campbell* 10593–10600.

See also *Anti-Tory Association. Ballot*, III. 3. *Clubs. Organization.*

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Augustine's, St. Parish, Bristol. Report from Mr. Palmer, chairman of this district, of Sir J. C. Hobhouse's committee, in the evening of the first day's polling, at the Bristol election 1834, *Visger* 6656.

Ayrshire. See *Ailsa*, Marquis of. *Farmers. Intimidation*, 4. *Landlords*, 3. *Liberal Candidates. Riots. Voters.*

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Bablake Hospital. Nature of this charity at Coventry, and manner in which the distribution of it by the corporation influences the election, *Troughton* 1107–1112.

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Bagenalstown Petty Sessions. Convictions at, for assaults on freeholders who voted for the conservative candidates, *Carroll* 11573.

Bail. Insufficient bail taken at Cambridge for one person charged with eight cases of bribery, *Gunning* 3067–3072.

Ballinabola. Information laid by chief constable of police at New Ross respecting the attack made upon freeholders at Ballinabola, while being escorted to Wexford for the purpose of giving their votes, *Hatton* 4354–4368——Opinion that the voters assembled at, could not have been brought to the poll either with or without shedding of blood, *Hatton* 4363–4367——Further examination respecting the outrage at Ballinabola, and whether any of the voters so attacked ever voted, *Hatton* 4418–4430.

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Ballot:

I. *Advantages thereof.*
1. Generally.
2. Effect in checking Bribery.
3. Effect in checking undue influence and intimidation.
4. As regards Ireland.

II. *Disadvantages thereof.*
1. Generally.
2. As regards Ireland.

III. *Feeling in favour thereof.*
1. England.
2. Ireland.
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V. *Different results of previous elections, if the ballot had been in use.*

VI. *Election of parochial officers in England by ballot.*

VII. *Ballot in America.*

VIII. *Ballot in France.*

I. *Advantages thereof.*

1. Generally:

Advantage of the vote by ballot for counties, if the system could be made perfect, and difficulty therein, *Florance* 588–599——Is the only security for the independence of the suffrages, *Cowell* 1461——Description of voting by open ballot by ticket, and advantage of that mode, *Parkes* 1749–1756——Necessity for the ballot, as a protection to the 50*l.* householder, more than the 10*l.* householder, *Terrell* 2914–2919——Under the ballot, landlords would not, after a few elections, continue to inquire into the political opinions of tenants previous to letting a farm, *Edgworth* 3181–3186——Would be a great protection to voters, and be the means of allaying irritation between the respective parties, *Visger* 6735–6739——The ballot would correct undue influence with regard to voting, at Ipswich, for a particular candidate, but would not protect those who were desired by their employers not to vote, *Cowell* 1504–1511.

2. Effect in checking Bribery:

Would not cure bribery, though it would go a great way towards its prevention, *James* 1015–1022——Ballot would not be effectual in preventing bribery in small constituencies, *Parkes* 1768–1772; *Florance* 600–609——Is desirable for boroughs, *Florance* 600–609——Under the ballot, bribery by unsuccessful candidates would never take place with a constituency of any fair number, *Parkes* 1777–1781——Bribery would be more difficult at Norwich under the ballot, though it might be carried on through the medium of clubs, *Edwards* 2512–2526——It would be very difficult for bribery to take place under the ballot with such a constituency as that of Leicester, *Hudson* 2272–2305—A large constituency would not be attempted to be bribed under the ballot, *Van Wart* 8740–8742.

3. Effect in checking undue influence and intimidation:

The ballot the only means of preventing undue influence, and that not to the fullest extent, *Gunning* 128–152——Manner in which the ballot would prevent corporation influence, by taking away from them the votes given from fear or promises, *Hudson* 2306–2308——The only means of stopping undue influence, *Terrell* 2889——Under the ballot, the undue influence of property would be checked, but the moral influence of landlords would be preserved, *Terrell* 2899–2909——The only effectual mode to prevent the intimidation would be the ballot *Roberts* 2078–2085; *Hatton* 4498——The ballot the only effectual means of preventing the influence of intimidation by withdrawal of custom at Ipswich, *Cowell* 1545–1547——The ballot would enable timid voters at Ipswich to conceal the tendency of their votes, better than the present system, *Cowell* 1522–1528——Whether secret voting would not tend to prevent intimidation, and exclusive dealing, *Gilbert* 4173–4175, 4209–4216, 4236–4261.

4. As regards Ireland:

Necessity for the ballot in Ireland, *Lalor* 9512——All parties would be protected by it, *Maher* 10291, 10292——Tenantry had better be disfranchised than remain under the influence of their landlords, unless they are protected by the ballot, *Lalor* 9489, 9490——Opinion that the peasantry of the country will never have a free discharge of the elective franchise, unless they have the benefit of the ballot, *Supple* 12201.

II. *Disadvantages thereof.*

1. Generally:

Ballot would be but a delusive remedy against bribery, *Foster* 228, 229——Reasons in favour of the open system of voting over the ballot, *Foster* 245–257. 261–275——If freemen's admission paid for, there would be a moral obligation to vote for those paying for them even under the ballot, *Troughton* 1235–1246——Opinion that secret voting would create almost a greater jealousy than there is now, *Gilbert* 4210.

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II. *Disadvantages thereof*—continued.

2. As regards Ireland:

Opinion that the ballot would not in the case of Ireland ensure a full freedom of the elective franchise, *Singleton* 5022–5049——Opinion that the ballot in Ireland would tend to increase the power of the priest, while it would destroy the power of the landlord, *Singleton* 5038, 5049——Very questionable whether the introduction thereof into Ireland, would do away with priestly intimidation at elections, *Fitzgerald* 5363, 5364——Secret voting in Ireland would not in any degree do away with the effects of intimidation, *Fitzgerald* 5300–5321——Whether, if the election had been by ballot, the tenants would have been placed in the same situation with regard to their landlords at the election for Cashel, *Fitzgerald* 5472–5481——Intimidation, which prevents free elections in Ireland, would not be cured by secret voting, *Despard* 6116–6118.

III. *Feeling in favour thereof.*

1. England:

Generally: All parties will be in favour of it after the next registration, *Parkes* 1825–1827——The ballot the only safeguard of conservative principles in America, and it would shortly become so in England, owing to the active part which all classes begin to take in politics, *Van Wart* 8658——*Bristol:* Immense majority both of the freemen and tenpounders in favour thereof, *Visger* 6729–6739——*Carnarvon:* Manner in which the proceedings on the Carnarvon elections obtained converts to the ballot, *Roberts* 2660–2663——*Cornwall:* Elections in Cornwall have converted witness's opinion against the ballot to an opinion very strongly in its favour, *Parkes* 1746–1748——*Denbigh:* Many farmers in Denbigh, as well as voters for the borough, have become converts to the ballot, from the proceedings at the last elections, *Roberts* 2078–2081——*Devon:* Feeling in favour of the ballot in the county of Devon, very near approaching to unanimity, *Terrell* 2897, 2898——*Hereford City:* Prevailing wish for the ballot in the city of Hereford, *James* 1014–1051——*Herefordshire:* Desire of the tenantry in Herefordshire for the ballot, *James* 1050——*Horncastle:* Tenantry of Horncastle are in favour of the ballot, *White* 10774——*Ipswich:* Feeling in favour of the ballot gaining ground at Ipswich, particularly since the last election, *Cowell* 1512–1516. 1569–1574——*Ripon:* Many tradesmen in Ripon wish for the ballot, to what extent it would be a protection, *Lunn* 3394–3404——*Wrexham:* Majority of voters in Wrexham wish for the ballot, petition to Parliament to that effect, *Edgworth* 3167, 3168.

2. Ireland:

Generally: Feeling in favour of the ballot, particularly by those who advocate the non-dealing system, *Lalor* 9396, 9397——*Newry:* Desire among the voters of Newry for the ballot, *Caraher* 7452——*Tipperary:* Newsmongers understand the meaning of it, but not the general body of the 10*l.* constituency, *Willcocks* 5264. 5626——*Youghal:* A great many tradesmen in Youghal anxious for the ballot, *Hamilton* 9234, 9235.

3. Scotland:

Ayrshire: There are some individual opinions in favour of the ballot, *Andrewes* 10456, 10457——Several persons who did not wish for the ballot are now in favour of it, *Campbell* 10657, 10658.

IV. *Machinery for the Ballot, and knowledge of Votes:*

There would be no difficulty in providing machinery for the ballot, *Parkes* 1811, 1812——To what extent under the ballot votes would be known subsequently to the election, *Parkes* 1813–1818——Mechanical means by which the ballot might be effected, *Terrell*, 2910–2912——Manner in which an individual voted, would not be known under the ballot, *Edgworth* 3175–3180——No difficulty in arranging a system by which the secrecy of the ballot could be enforced, *Edgworth* 3189—— Further examination respecting the means to be taken to prevent discovery of names under the ballot, *Hatton* 4492–4515.

See also *Confession.*

V. *Different results of previous Elections if the Ballot had been in use.*

Birmingham: Opinion that if secret voting had been resorted to, the Tory candidate would have been returned, *Gilbert* 4231——*Devon, South:* Under the ballot a large portion of Sir Thomas Acland's tenantry would have voted for Lord John Russell, *Terrell* 2757–2760——If the ballot had existed, Lord John Russell would have been returned, *Terrell* 2890, 2891——*Ipswich:* If the ballot existed at Ipswich, the present sitting members would not have been returned, *Cowell* 1575.

VI. *Election of Parochial Officers in England by Ballot:*

Birmingham: The ballot is adopted in the election of guardians of the poor at Birmingham, *Gilbert* 4253——*Cambridgeshire:* Operation of the ballot in the election of a surgeon in the village of Soham, Cambridgeshire, showing the breach of promises by voters, *Foster* 231–244——*St. George, Hanover Square:* Manner in which the vote by ballot might be amended, so as to obtain secrecy at elections for vestrymen and auditors, *Chappell* 7540–7544——*St. Martin in the Fields:* In what manner votes for the election

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of guardians of the poor were given could only be known to the voters, or any person they showed the polling paper to, and the returning officer and collectors, *Pratt* 7372–7378——The mode of voting for guardians of the poor might be made a perfect security against intimidation, *Pratt* 7381——*St. Mary-le-bone:* There would be very little difficulty in ascertaining in what manner a voter had voted in the election of vestrymen for St. Mary-le-bone, if he were asked the question, *Wardell* 7312–7314——Number of voters for vestrymen in the parish of St. Mary-le-bone, to whom the ballot is of consequence, *Hovenden* 7336–7338——If the voting for vestrymen had been open the election would not have taken place so quietly, *Hovenden* 7341, 7342——Secrecy was not obtained at the Mary-le-bone vestry election by means of the ballot, *Chappell* 7594——But good order was, *Chappell* 7532——*St. Pancras:* Voting for vestrymen in St. Pancras parish may be perfectly secret, if the voter wishes it to be so, *Douglas* 8814–8819; *Vigors* 8869–8875.

VII. *Ballot in America.*

Generally: Great advantage of the secret vote by ballot adopted in America, and facilities with which the machinery may be brought into action, *Parkes* 1760–1768——Secret voting in America not objected to on the one hand or praised on the other, with any degree of warmth, *De Tocqueville* 4088——The greatest advantage of secret voting in America is to protect the electors against the strong state of popular feeling, *De Tocqueville* 4090——The only security for the vote in America is the elector's honour, *Van Wart* 8649——Open voting in America has only been partially discussed; secret voting is considered the unalterable law of the land in the majority of the states, *Van Wart*, 8679–8685——The value of the ballot in the United States is from the protection it affords to secret voting, if it were required, though the need of that protection is not known, *Ticknor* 9092, 9093——The practical use of the ballot is almost universal in America, however inconsiderable the office may be, *Ticknor*, 9112, 9113.

Boston: Facility of voting at Boston, short space of time in which a large number of votes were taken, *Van Wart*, 8560, 8561——Manner of balloting at elections in Boston, showing that voters can give their votes in secret, if they please, though it is seldom done, *Ticknor*, 9053–9070——In Boston is considered as the most business-like way of getting through an election, on account of its expedition, *Ticknor* 9073–9080——*New York:* Mode of voting by ballot for senators in New York, with means voters have of disclosing their votes, if they think fit, *Van Wart*, 8514–8535. 8540, 8541.

VIII. *Ballot in France:*

Secret voting is considered a matter of course in France; if the voting were open, the government influence would be much increased, *De Tocqueville* 4072; *Thibaudeau* 9283——In France is not directed against personal influence, nor pecuniary corruption, but against the power of the crown, *Jolliret* 6510——The ballot not so much cared about now the influence of the crown is not so great as under Charles the Tenth's government, *Jolliret* 6510–6514——May be a protection to farmers against the influence of their landlords, *Jolliret* 6523——If the ballot was abolished, it would not make the difference of 10 votes in the Chamber of Deputies, *Jolliret* 6528——Timid voters derive protection from the ballot; but those who are in no expectation of receiving public employment, have nothing to fear from their votes being known, *Thibaudeau* 9289——Reason why certain voters in Rennes avail themselves of the ballot, *Jolliret* 6524–6526.

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BALLOTING PAPERS:

1. *England.*
2. *America.*
3. *France.*
4. *In Elections for parochial Officers in England.*

1. *England.*

Persons having influence over voters in England, might compel them to show their balloting papers, *Van Wart* 8536–8539——The showing ballot-papers to persons, attempting to influence voters in England might be prevented, by causing the voter to pass through an empty room, in his way to the ballot-room, *Van Wart* 8586–8588.

2. *America:*

If a request to show balloting papers were made in New York or Boston, the person making it would not be allowed to remain in the hall of voting, *Van Wart* 8542, 8543——Two voting-papers, folded up together for different candidates and put into the same box, would nullify each other, *Van Wart* 8550–8553——There are no means of discovering how a man votes, unless he chooses to show his polling-paper, *Van Wart* 8577–8585——Sham names are sometimes put into the ballot-box to neutralize votes,

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Van Wart 8650–8657—— *Boston*: they were written sometimes by committees for the candidates, *Van Wart* 8559, 8560——*New York*: both parties have the power of having them printed on coloured paper, *Van Wart* 8523–8525.

3. *France*:

Practice of showing the balloting tickets is condemned by public opinion, *Thibaudeau* 9279–9281.

4. *In Elections for parochial Officers in England*:

St. George's Hanover-square: Balloting lists were at first of different colours, so that the votes on each side might have been counted, but they were afterwards changed to the same colour, *Chappell* 7466–7487. 7526–7530——Some of the balloting lists were altered in manuscript; after the election they were kept in the vestry-clerk's office till destroyed, *Chappell* 7488, 7489——Dissatisfaction expressed at the mode of voting for vestrymen and auditors by coloured papers, *Chappell* 7496–7502——Lists were in many cases examined by the successful party before the voter had the opportunity of voting at elections for vestrymen and auditors, *Chappell* 7503, 7504——Voters, in some cases at elections for vestrymen and auditors, opened their papers in the presence of their friends, *Chappell* 7522, 7523——Lists being handed to voters in a room he had to pass through to vote for vestrymen and auditors, instead of their being sent round, would prevent their being looked at by other parties, *Chappell* 7505——Difficulties in the way of elderly or illiterate voters, striking out the names of candidates they objected to, from a long list at the election of vestrymen and auditors, *Chappell* 7506–7512——The ballot by lists could not extend to persons who could neither read nor write, at elections for vestrymen and auditors, *Chappell* 7518——Two lists being printed on the same paper, would look like separate parties at elections for vestrymen and auditors, *Chappell* 7513, 7514——*St. Martin-in-the-Fields*: Voter for the guardians of the poor should be allowed to bring his balloting paper himself to the returning officer, *Pratt* 7380.

St. Mary-le-bone: Method of voting, by means of folded papers, at the election of vestrymen for St. Mary-le-bone, *Wardell* 7220–7238——Possibility of voters preventing their manner of voting being known at election of vestrymen for St. Mary-le-bone by making alterations in polling papers, *Wardell* 7248–7279——They are burned before the inspectors leave the room, *Wardell* 7314——Possibility of keeping the balloting lists perfectly secret in Mary-le-bone parish at the election for vestrymen, the example of which is set by the higher orders, *Hovenden* 7321–7331—— It is the duty of the scrutineers to destroy them; they ought not to be seen by any but the scrutineers, *Hovenden* 7339—— There should be a law to prevent the polling papers at elections of vestrymen for St. Mary-le-bone being signed, or in any way designated, *Hovenden* 7343–7345——*St. Pancras*: Manuscript lists are very few at elections of vestrymen, *Douglas* 8774, 8775——Of the different parties originally printed on different colours at elections of vestrymen, but afterwards both parties occasionally adopted the same colour, *Douglas* 8781–8807—— Number who voted with different coloured lists from that of their party at elections of vestrymen, *Douglas* 8842.

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Barrow River. Number of freeholders in the conservative interest placed in a boat on this river guarded by a number of persons on horseback on each side of the river, headed by the priests, *Carroll* 11070–11077.

Barry, Lawrence. Attack made upon his house, and a stack of corn belonging to him scattered, for voting for the Knight of Kerry, *Brownrigg* 4640.

Barry, Rev. Mr. Advice given by him to his congregation on the subject of tithes, *Hatton* 4381–4383.

Beating Fines. Persecution by landlords in enforcing beating fines for burning land in Queen's County, *Lalor* 9350–9353.

Bedminster Parish, Bristol. Report from Mr. Drake, chairman of this district of Sir John Hobhouse's committee in the evening of the first day's polling at the Bristol election 1834, *Visger* 6656.

Beer-shop Keepers. Beer-shop keepers and small tradesmen at Halifax influenced to vote in favour of the Whig and Radical interest for fear of losing custom, *Craven* 3466–3482.

Beresford, Lord. Statement by his agent of his determination to provide a class of tenants for his estates in Carlow, over whom the priests had no influence, *Maher* 10066——Number of tenants turned off his estate under that assurance, *Maher* 10247–10250——Political attack by Father Maher on, and reply by Father Tyrrel, *Carroll* 11542–11549.
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Bevan, Rev. Mr. Influence of the Rev. Mr. Bevan, of Wombourne, Staffordshire, over voters in the county of Stafford, *Scott* 2967.

Birmingham. There are very public spirited men in Birmingham, where there are upwards of 4,000 electors who are tortured as to their votes, *Parkes* 1744——Value of the ballot ticket voting for guardians in Birmingham, *Parkes* 1749.
See also *Ballot*, V. VI. *Bribery Oath*, 1. *Church Rates. Clergy. Dissenting Ministers. East*, Rev. Mr. *Exclusive Dealing*, 2. *Guardians of the Poor. Influence. Intimidation*, 2. *Lower Orders. Manufacturers. Publicans. Reform Act. Roman Catholic Clergy. Tradesmen. Voters. Wages.*

Birth. The abolition of non-resident freemen of Hereford has reduced the number of freemen, admitted in right of birth, *James* 915.

Black Lists. Publication of black lists in Carlow, and danger to those whose names were circulated therein, *Carroll* 11494–11498.

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Bligh, General. His tenants taken out of their houses in the night by a party of police, and locked up in order to secure their votes in favour of the Tory interest at Meath, *Mullen* 8265–8271.
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Bligh, Mr. His family formerly entertained Whig principles, *Mullen* 8436, 8437.

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Bonfires, are prohibited in Ireland by a particular statute, *Fitzgerald* 6155——Particulars respecting the calling out the military for the purpose of extinguishing the bonfires in the streets of Clonmell after the election, *Willcocks* 5672–5679——The respectable inhabitants of the town were not satisfied with seeing the bonfires lighted in the public streets, *Willcocks* 5680–5682——The reflection of the different bonfires in the town of Kenmare caused the inhabitants of the town to be in the greatest uneasiness, *Brownrigg* 4640.——Substance of a conversation between Gerald Fitzgerald, esq. and Serjeant Perrin respecting the prevention of bonfires taking place after the election for Tipperary was over, *Fitzgerald* 6155, 6156.

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Borris Chapel. Speeches of the Catholic priests at, on the Sunday preceding the Carlow election in 1832, *Carroll* 11093–11098.
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2. Ireland.
3. America.
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1. *Refusals to take it, and necessity for its abolition.*

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Colvil, Mr. Violent attacks on the gentry of the county published in the papers, and written by Mr. Colvil, professor in Carlow college, *Carroll* 11506–11508. 11518–11522.

Commissions. Advantages of commissions to take evidence on the spot, on account of the saving of expense of bringing up witnesses, *Florance* 717–720.
See also *Army. Dublin Election.*

Committee Men. Why the ballot would be no protection to them, *James* 1046.

Committees. Cause of the formation of committees at Hereford in 1832, *James* 1040–1045.

Common Councils. Ballot by common councils is as unjustifiable as the voting of the French Deputies by ballot, because the representatives are responsible to their constituents, *Parkes* 1801.

Common Council of London. The vote by ballot there is a great violation of principle, *Parkes* 1800.

Common Law. See *Agency.*

Concealment of Votes. Persons concealing their intentions as to their manner of voting up to a late period are generally those on whom malpractices are brought to bear, *Parkes* 1803–1805——Takes place to a great extent up to the latest period, which would take place equally under the ballot, *Roberts* 2095–2097.

Confession. Priests in Ireland would lose all influence with the people if they divulged what they had been told in confession, *Singleton* 5031–5033——Roman Catholic priests are bound to secresy with respect to transactions mentioned in confession, *Fitzgerald* 5324–5329; *Duggan* 6253–6259——Clergy not allowed to ask the name of the penitent, or his place of residence, when he comes to confession, *Duggan* 6253——Nature of the confession, and in what books the rules are to be found; the clergy would not allow the name of the candidate to be made use of in confession, *Sheehan* 7683–7694——Why clerical influence could not be made use of in confession under the ballot, *Sheehan* 7668–7671; *M'Donnell* 8899–8902. 8945–8950. 8955–8958; *Maher* 10314–10320——Further evidence relative to the power and duty of the Catholic clergy in the confessional, *M'Donnell* 8959–8975——Denial of a charge against witness of attempting in the confessional to influence a lady of the name of Burgess, to use her interest with her husband to vote for a particular candidate, *Maher* 10321–10327.
See also *Carlow Sentinel. Council of Trent. Roman Catholic Clergy.*

Confining Voters. System of, not unusual at Ipswich under the old system; but only once adopted under the new, *Cowell* 1373——Nature thereof at Norwich; it is not carried on to the extent it was formerly, *Edwards* 2532–2534——Instances where tenants have been confined till the time of election at Wexford, through the influence of the parish priest, because they were opposed to the popular candidates, *Hatton* 4535–4541.
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Connor, Mr. Had his cattle impounded for rent two days after he had voted in Kerry, *Supple* 12195.

Conservative Association, Ireland. Organization for the same political purposes among the conservatives as that in existence among Roman Catholics, *Singleton* 5164–5172——Is more on the defensive, *Singleton* 5173, 5174——Not the same means used by the Conservative Association to carry their objects into effect as those employed by the Roman Catholics, *Singleton* 5181–5184——Agitating speeches have been delivered at the Conservative Society's meetings in Dublin, *Singleton* 5214–5216——Protestant clergy are members of the Protestant Conservative Society of Ireland in Dublin, *Mullen* 8455, 8456.

Conservative Clubs. Whether they made any contributions for electioneering purposes in the churches, *Willcocks* 5548–5550——Establishment of a Conservative Club in Queen's County, for the purpose of preventing registration, *Lalor* 9503. 9507–9509.
See also *Clubs.*

Conservative Interest. Very few of the inhabitants of Sandbach voted for the Tory candidates for South Cheshire in 1832, *Sherratt* 3996——Several who are not conservatives, who vote as conservatives, and even Protestants, would vote on the liberal side if they were protected from the persecution of the Protestant landlords in Ireland, *Maher* 10292——A considerable body of the gentry of the county of Carlow are leagued together to control their tenantry to vote in the conservative interest, *Maher* 9872–9878——A member of

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of committee of the conservatrve candidates in Meath addressed the Orangemen who marched into Trim, *Mullen* 8317–8322——Of Queen's County supported the church establishment and the union, *Singleton* 4919–4922——No instance of their using violence to carry their objects into effect, *Singleton* 5184——Resentment pursued by conservatives against voters and their relations for voting against that interest, *Lalor* 9305, 9306.

See also *Ale Drinking. Anonymous Notes. Barrow River.*

Conservative Operative Society. Objects of, at Bristol, *Visger* 6559–6649; *Scott* 6749–6782; *Sircom* 6964–6980——Was founded in the year 1832, solely for electioneering purposes, *Scott* 6750–6754——It is not in the slightest degree connected with electioneering matters or politics of that city, *Sircom* 6937, 6938–6951——The real object of the society is to corrupt the freemen in support of the Tory interest at Bristol, *Visger* 6601, 6602——Principal object of the society is to preserve the peace of the city of Bristol, and assist the magistracy on emergencies, *Sircom* 6936——Only conservatives are admitted to it, and any person holding contrary principles is forthwith expelled, *Visger* 6591. 6943——Examination relative to the regulations of the society admitting any members that do not hold Tory principles, *Sircom* 7139–7153.

It is very active in inducing freemen of Bristol to become members, and paid men 5*s.* a day to canvas for new members, *Visger* 6611, 6612. 6616——Meetings of society were held every day as an election approached, and vast numbers of freemen attended, *Scott* 6784, 6785——Cause of witness withdrawing from the society, *Scott* 6908–6915——Extent of the funds of, in the treasurer's hands, *Sircom* 6981——The funds of, are principally supplied by honorary members, *Visger* 6581–6583; *Scott* 6760; *Sircom* 6950–6958——Evidence relative to witness's attendance at the several meetings of the Conservative Operative Society, places where held and objects of the meetings, *Sircom* 6998–7012——Members of, signed a parchment inviting the candidate in the Blue interest to come forward for Bristol, *Sircom* 7100——No book was ever kept for taking minutes of the proceedings of the society at Bristol, *Sircom* 7186.

See also *Blue Beef. Bribery*, II. 1. *Elections. Employment of Freemen. Higher Classes. Treating.*

Consistency. See *O'Connell*, Mr.

Constables. Influence of constables over public-houses used improperly, *Scott* 2959–2966——Attempt of the Tory party in South Cheshire to swear in a body of navigators as special constables, but the deputy sheriff refused their assistance, *Sherratt* 4001–4009——Election for constable at Halifax was, previous to 1832, made the test of strength of political parties, *Craven* 3636–3638.

See also *Intimidation*, 3.

Constituencies. Generally: Bribery more easily practised in small constituencies than large ones *Florance* 697–701——List of various electoral returns shows an average of under 230 voters returning members, *Parkes* 1773——*Ireland:* It is impossible, in the first place, that a constituency, such as the law intended, can ever be carried into effect in Ireland; and even if they were registered, it is impossible, under the existing state of things, that they can give their votes independently or conscientiously as they would wish, *Lalor* 9501——*New York:* Extent of the constituency of New York, *Van Wart* 8739——*France:* Difference between the constituency of France and England, and in the mode of conducting elections, *Thibaudeau* 9274——Extent thereof in France, *Thibaudeau* 9275.

See also *Ballot*, I. 2. *Voters.*

Contested Elections. See *America.*

Contests. Generally lay between the Whig candidates at Bristol, as the Tory was almost sure of his election, *Visger* 6405——Establishment of the liberal party at Bristol in addition to the Whig and Tory, has caused severer contests than were ever before known, *Visger* 6348, 6349.

Conveyance of Voters. Carriage arrangement usually made for county elections, *Parkes* 1659.

Cooping Voters. See *Confining Voters.*

Coote, Sir *C.* He is the largest landowner in Queen's County, and his tenants suffered more persecution than others, *Lalor* 9317——Notices by his agent against tenants being allowed to cut turf, *Lalor* 9464–9466.

See also *Queen's County.*

Copyholds. Very little copyhold in the southern division of Cheshire, *Sherratt* 3988.

Corn Acres. Remain unlet in Meath in consequence of threatening notices being received by persons who were willing to take them, *Despard* 5913, 5914.

Corn Creaks. Advice by the parish priest of Carlow in his chapel on a Sunday during the election of 1832, for his flock to hunt up the freeholders, and if asked what they were about to say they were hunting corn creaks, *Carroll* 11084.

Cornwall. Method by which bribery conducted in close corporations in Cornwall under the old law, *Parkes* 1596.
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Coroners. The county coroner for Carlow did not vote in June from actual terror, having been subjected to an attack for his conservative vote in January, *Carroll* 11329–11332. 11486–11488——Assault on the county coroner and destruction of his property, *Carroll* 11576, 11577.

Corporate Offices. Those in the gift of the corporation of Coventry are not sufficiently great to influence the election, *Troughton* 1122–1124.

Corporations. Generally: It is not a man's duty who has been elected into a corporation always to vote as the corporation may dictate to him afterwards, *Parkes* 1843——*Bristol:* Extent of corporation influence at elections at Bristol, *Visger* 6330–6333——Of Bristol was formerly Whig, and has indirectly great influence at elections, *Visger* 6332——Cause of the corporation of Bristol changing its line of politics, *Visger* 6333——Many aldermen and members of the corporation were members and subscribers to the Conservative Operative Society, *Scott* 6805——Of Bristol, possessed no influence as respects the election, *Sircom* 7169.

Coventry: Number of the council of the corporation, *Troughton* 1103, 1104——Mayor and aldermen are chosen by the council, *Troughton* 1119——A reform has taken place in the corporation since the Reform Bill, but more from the influence of public opinion, *Troughton* 1191, 1192——*Exeter:* Influence of the corporation of Exeter over their freemen in elections for the city by means of their charities, *Terrell* 2873–2875——*Harwich:* Influence of the corporation of Harwich over tradesmen, ruin of one opposing them, *Florance* 630–634. 679–684——*Hereford:* Number of votes it is possible for the corporation of Hereford to influence, *James* 936–944——Many voters would have voted for the liberal side but declined unless they could not be done without, for fear of the numerous consequences of voting against the corporation, *James* 1056–1059.

Ipswich: Keep up the admission of freemen in their interest on account of their votes in the election of magistrates, *Cowell* 1425——Influence of the corporation as landed proprietors not much exercised in the borough, *Cowell* 1576–1578——*Leicester:* The corporation generally make a bargain with their candidate for a certain sum, *Hudson* 2188——*Northampton:* Distribution of Sir Thomas White's loans by the corporation to persons supporting the corporation party, *Cockburn* 3844——*Norwich:* Situations under the corporation which are changed at the will of the chief magistrate, *Edwards* 2527–2529——*Ripon:* Of whom the corporation of Ripon consists, and whether elected by ballot, *Lunn* 3405–3408——*Youghal:* Threat by the treasurer of the corporation held out of withdrawing custom from Mr. Hamilton if he did not vote at the election for Youghal, threat afterwards carried into execution, and the corporation account closed, *Hamilton* 9167–9176.
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Correspondence. Correspondence relating to M. Singleton, esq. and the Rev. Mr. Maher, *App.* p. 718——Letter from Mr. H. Cary to Colonel Henry Bruen (with an account) *App.* p. 726.

Costs. Examination in favour of the costs of defending election petitions being paid by the unsuccessful party, *Cockburn* 3752–3765——When bribery not brought home to the sitting Member the election should be declared void, and the Member subjected to costs, *Cockburn* 3805–3807.

Cottages. Ground attached to cottages for the purpose of making votes, *Lunn* 3839–3843.

Council of Trent. Rules for the confession are laid down therein, *Sheehan* 7688.

County Elections. Bribery does not take place in counties, in consequence of the constituencies being too large, *James* 838–842; *Parkes* 1641. 1642; *Cockburn* 3804——From the respectability of electors, *Florance* 568. 571——Treating in counties takes place openly from not being considered illegal, *Parkes* 1653–1659——Sums expended in treating at county elections, *Parkes* 1643–1649.
See also *Ballot*, I. 1. *Treating.*

County Votes. Are taken in America in the respective parishes, *Van Wart* 8751–8754.

Court-house. Police admitted Orangemen into the court-house at Meath, but would only admit the better class of the liberal side, *Mullen* 8325.

Courtown, Lord. His agent had a meeting with his tenantry, and in their presence swore that if they did not vote as he wished, on the expiration of their leases they should never till an acre of land on his estate, *Maher* 10067.

Courts of Justice. Great mockery of justice therein in Ireland, which causes aggrieved persons not to apply there for redress, *Maher* 9953–9960.
See also *King's Bench, Court of.*

Covenants. In leases not always fulfilled by tenants in Suffolk, which places them in the power of their landlords with regard as to their votes, *Cowell* 1555–1560.

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Cow-house Votes. Number of new voters qualified since 1832, by reason of cow-houses being erected upon certain property at Ripon, *Lunn* 3236–3243——Manner in which votes in Ripon have been obtained by dividing a cow-pasture into allotment without boundaries, *Lunn* 3832–3835——Names of persons who voted in right of cow-house and land, *Lunn* 3836–3838

Cowell, Charles. (Analysis of his Evidence.)—Bribery carried on to a considerable extent at Ipswich, at the election in 1826, by both parties, 1265. 1268, 1269——Treating very gross under the old system, impossible to prevent it on account of the non-resident electors, 1270, 1271——Sum paid to non-resident freemen for their travelling expenses in 1830 and 1831 not considered to amount to bribery, 1277–1285. 1307, 1308——Mode of distributing money, and sums paid for votes in 1826, 1286–1292. 1464, 1465——The bribery oath is no check against bribery, it adds perjury to the previous crime, 1293–1303. 1389, 1390——Bribery would have been inoperative in 1831, the feeling in favour of reform being so strong, 1304–1306——Number of voters at Ipswich at the last election under the Reform Bill, 1309–1313——Bribery not practised at the election in 1832, 1314–1318——Nature of the bribery committed at the last election, 1319–1330——Proof of agency against a particular individual, 1325——The Ipswich Election Committee have not come to any decision upon the question of agency, 1331, 1332——Resolution of that committee upon the subject of bribery, and absconding of witnesses to avoid the service of the Speaker's warrant, 1333–1336.

Witnesses were examined by the committee who had been bribed; they did not claim protection, 1337–1342——Bribery committed some days previous to the election, 1343——System of treating carried on by the conservatives caused them to be ahead on the poll the first day, 1344, 1345——Treating consisted of parochial breakfasts, 1346–1354——Evidence of those breakfasts given before the committee, 1355–1358——It would be an advantage to have the poll taken in one day; it would prevent bribery, and there would be no difficulty in it, 1359–1362. 1388——Instances of bribery during the latter part of the first day, and during the night, 1363–1365——Some voters declined voting for fear of being injured in their business as tradesmen, 1366–1369——System of locking up voters not unusual under the old system, but only once adopted under the new, 1373——Number of promises unpolled at the commencement of the second day on the liberal side, but who voted on the opposite side, 1374–1380——Means taken by the liberals to poll their promises on the poll becoming slack on the first day, 1380–1386.

Intimidation used by the conservatives to induce the neutral promises to vote on their side, 1387——Abolition of the bribery oath would promote public morals, and prevent its being made use of as a pretence for delaying the election, 1389–1392——Most of the freemen of Ipswich are in a dependent state, 1393–1395——Freedom is acquired by birth and servitude, 1396, 1397——Amount of fees on admission formerly paid during the election by candidates, 1398–1404——Liberal side have declined paying fees since the Reform Bill, though the amount is greater than poor freemen can afford to pay, 1405–1416—— At the last registration professional men attended on the part of the conservatives, 1417–1421——Admission of freemen, as compared with those formerly admitted on the eve of an election, is limited by the exclusion of non-resident freemen, 1422–1424——Corporation keep up the admission of freemen in their interest, on account of their votes in the election of magistrates, 1425——Why the great bribery and corruption which used to exist previous to 1826, in the municipal contests for the election of magistrates, aided by Members of Parliament, has not existed since 1826, 1428–1433.

Bribery in 1835 took place which did not in 1832, because at the latter period the Whig Government had lost the sympathy of the electoral body, 1434–1437——Amount of the income arising from charities in the gift of the corporation, which are applied to electioneering purposes, 1438–1443——Indirect modes of bribery practised, 1444–1447——Loans of money for the payment of poor's-rates, for the purpose of qualifying for registration, not considered illegal, the loans being repaid, 1448–1453——Objections to the payment of the shilling for registration, but if not demanded by the overseer, the decision of the revising barristers is that the votes are good, 1453–1459——The ballot the only security for the independence of the suffrages, 1461——Intimidation used over tradesmen to influence their votes, 1466–1472——Plan of exclusive dealing supposed to be exercised by the Tory party, 1473——Instance of a withdrawal of custom from a tradesman for voting according to his inclination, 1474, 1475——Instance of a clergyman closing an account with a tradesman for the same reason, 1476–1479.

Objections by many tradesmen to vote for fear of losing custom, 1482, 1483——Consents of many to vote in case of actual necessity, 1484, 1485——No law can be made to prevent the withdrawal of custom without reason assigned, 1486–1496——Constituency of Ipswich would not be much controlled by the exercise of popular opinion, 1497–1499——Any publicans who had voted in the Tory interest in 1832 would have been supported by the corporation, 1500–1503——The ballot would correct undue influence with regard to voting for a particular candidate, but would not protect those who were desired by their employers not to vote, 1504–1511——Feeling in favour of the ballot gaining

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ground at Ipswich, particularly since the last election, 1512–1516. 1569. 1574——The granting publicans' licenses in Ipswich is not made use of for party purposes, 1517–1521——The ballot would enable timid voters to conceal the tendency of their votes better than the present system, 1522–1528.

Reason why the ballot would stop the breakfasts given in anticipation of votes, 1529–1538——Many voters influenced by the promise of future rewards or employment 1539–1544——The ballot the only effectual means of preventing the influence of intimidation by withdrawal of custom, 1545–1547——Intimidation would be difficult of proof to a sufficient extent for a committee of the House of Commons to strike off votes influenced by it, 1548, 1549——Farmers in Suffolk are completely under the influence of their landlords, which can only be checked by the ballot, 1548–1568——Opposition of the Whig Government to the ballot partly turned popular feeling against them, 1570–1573——Influence of the corporation as landed proprietors not much exercised in the borough, 1576–1578——Further evidence relative to the system of exclusive dealing, 1579–1585——Further evidence in favour of confining the polling to one day, 1586–1590.

Crager, Mr. Number of old and new voters polled by him at the Bristol election in 1774, *Visger* 6361.

Craven, William. (Analysis of his Evidence.)—Number of registered voters in Halifax in 1832 and 1835, 3428, 3429——Population of the borough and parish, 3430–3432——Manner in which the non-electors coming into the town in crowds interrupted the nomination in 1832, 3435–3456——Disturbance at the end of the first day's poll, in 1832, was principally confined to breaking the windows of the Tory candidates' hotel, 3457–3465——Beer-shop keepers and small tradesmen influenced to vote in favour of the Whig and Radical interest for fear of losing custom, 3466–3482——Meetings of non-electors previous to and at the nomination in 1835, and disturbance after the nomination, 3483–3519——Many voters in the conservative interest declined voting, except in case of necessity, for fear of losing custom, 3519–3533——Recrimination relative to exclusive dealing made use of by both parties on the hustings, 3534–3538.

Association formed by the liberals to protect the voters in their interest, but which did but little, 3539–3545——Riots previous to closing the poll, and acts of violence used towards voters to force them to vote for liberal candidate, 3546–3609——Disturbance was occasioned by persons who had nothing to do with the election, 3610, 3611——Inefficiency of the police, 3612–3635. 3639——Election for constable was previous to 1832 made the test of strength of political parties, 3636–3638——Scarcely any police would be sufficient while the non-voters are allowed to come into the town in procession, 3639–3644——Loss of custom to a tradesman from a mob collecting round his door, and calling out the colour of the conservative interest upon any customer attempting to enter the shop, 3645–3662——Licenses have not been refused to be granted or taken away in consequence of the political feelings of the parties, 3663–3668——Certain clubs removed from public-houses in consequence of their voting for the conservative interest, 3669, 3670.

Exclusive dealing has not been exercised so much among the higher as the lower classes, 3671–3681. 3707–3709——Attack on the conservative interest the on day of nomination, and also on the days of polling for the county, 3684–3706——Proportion the votes polled bore to the promises on canvas, in Halifax, for the West Riding of Yorkshire, 3710–3712——Many were prevented from coming to the poll for fear of violence, 3713——Voters in the neighbourhood of Halifax are principally small freeholders, 3714–3717——Influence of justices does not operate upon small freeholders, 3721, 3722——If manufacturers chose to exercise it, they might influence their operatives, but there are but few operatives who have votes, 3723–3730——Ignorance of the non-electors out of the town, and popularity of gentlemen in the conservative interest in the town, may account for the difference of feeling between the two classes of non-electors, 3735–3742.

Credit. Statement by voters that they must vote with those who gave them credit, *Parkes* 1740.

Crewe, Lord. Tenants on his estate through the influence of the parish priest confined in a distillery at Wexford till the period of election, *Hatton* 4535–4537——Was very anxious to support Mr. Redmond, *Hatton* 4578.

Cronin, Daniel. Intimidated electors voting for popular candidates at Kerry by taking down their names, *Brennan* 7905.

Crosby Property. Tenants on this estate prevented from taking sand from the banks in consequence of the votes given by them at the Kerry election, *Supple* 12195.

Crucifix. Instances of Roman Catholic priests going to the houses of voters who did not wish to vote for the popular candidates at Tipperary and producing the crucifix, *Willcocks* 5496–5498.

Cullen, Mr. His house at Carlow attacked by the party canvassing in 1832, while Father Maher was supposed to be in the crowd, *Carroll* 11123–11125.

Cummins, John. Evidence as to the setting fire to a stable the property of John Cummins, of Bagenalstown, and burning horses who had been employed in conveying voters of the conservative candidates to the election, *Maher* 10381–10385; *Carroll* 11440–11444.

Cunningham, Sir *James.* Refused a person serving him with oats because he did not vote at the last election for Ayrshire, *Andrewes* 10420.

Custom. See *Ballot,* I. 3. *Tradesmen.*

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Daggers. A dagger taken by the high sheriff of Meath from one of the Orangemen assembled at Trim, *Mullen* 8323.

Darnley, Lord. His tenants taken out of their houses in the night by a party of police and locked up in order to secure their votes in favour of the Tory interest at Meath, *Mullen* 8265–8271.

See also *Distress for Rent.*

Dean and Chapter of Hereford. Influence of, over tradesmen, *James* 1001–1009.

Death's Head and Cross-bones. Threat of, was not made use of to intimidate the electors; the expression was improperly imputed to Mr. O'Connell, *Brennan* 7933–7946——Denunciation of Mr. O'Connell respecting the death's-head and cross-bones had the effect of intimidating freeholders from voting in favour of the Knight of Kerry, *M'Cartie* 11710–11714.

See also *Speeches.*

Debtors and Creditors. In Devonshire the influence of a creditor over his debtor would not operate to a very great extent, except in the case of landlords, who are generally very large creditors of their tenants from the state of agriculture, *Terrell* 2777——Instances of debtors being called upon suddenly to pay large debts, in consequence of voting for the reform candidates at Worcestershire election, *Scott* 2936–2948.

See also *Rufford & Co.*

Declarations. See *Army. Simony.*

Declarations by Members. Candidates on taking their seats should make a declaration with penalties attached, *Parkes* 1663–1698——Attempt at bribing a partially corrupt constituency would be a very hazardous proceeding if members made a declaration on taking their seats, *Parkes* 1774–1776——Members on taking their seats should make a statement on oath, to be filed in the same way as their qualifications, that they would not make use of intimidation or corruption, or pay more than the legal expenses of the election contained in the account filed, *Roberts* 2081——Members on taking their seats should swear that none of their money has been expended in the purchase of votes to their knowledge, *Hudson* 2399.

Denbigh Borough. Names of the candidates for the borough at the last election, *Edgworth* 3086——Number of voters for the borough, *Edgworth* 3089.

See also *Absence of Voters. Ale Drinking. Ballot,* III. 1. *Drunkenness. Farmers. Householders. Landlords,* 1. *Liberal Candidates. Masters and Servants. Registration of Votes. Tradesmen. Treating,* 2.

Denbigh County. Names of candidates for the county of, at the two last elections; names of the present members, *Edgworth* 3083–3085.

Denny, Mr. See *Brosnahan, D.*

Denny, Sir *Edward.* Action brought by an elector to recover a sum of money promised him by parties in the employ of Sir Edward Denny to keep out of the way during the election was dismissed in consequence of the consideration thereof being considered immoral, *Supple* 12107–12110.

See also *Quinlan,* Mr.

Depositions. Great difficulty in obtaining them in Ireland from the unwillingness of parties to depose, *Brownrigg* 4720–4724.

Derry. See *Protestants.*

Despard, George. (Analysis of his Evidence.)—Sub-inspector of police stationed at Trim, and resident magistrate of the county of Meath, 5800–5804——Examination respecting inflammatory language used by a Roman Catholic clergyman, previous to the Meath election, 5805–5813——Windows broken in houses in Trim, in consequence of some of the inhabitants therein being engaged in working for the unpopular party, 5814–5816——Several reports from police constables respecting acts of intimidation made use of for the purpose of inducing freeholders to vote for the popular party, 5817–5844——Further examination respecting inflammatory speeches made by Roman Catholic clergy, 5845–5858——Meath election could not have been carried on without considerable riot, without the assistance of the military and the police, 5859——Report made by witness to Sir John Harvey, describing the state of the town and neighbourhood of Trim during the election, 5860, 5861–5867.

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2. *In England.*
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1. *England.*

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Examination respecting the election of witness to the situation of baronial collector, 11892–11935. 11943–11948——Whether any complaint ever made against Mr. Brennan, the former baronial collector, 11936–11940——Offer of Mr. Brennan to collect the cess at a less rate than witness, was not made during the time he held the office, 11949, 11950——Influence of an agent not so great as that of the priests, 11960–11963——Cause of Lord Kenmare's tenants not keeping their promise, was the interference of the priests, 11964–11967——Opinion that the Knight of Kerry would have been returned had he adhered to the popular party, 11969–11985.

Macdonald, Eneas. He never was secretary to the Catholic Association; he was a sort of agent acting for them in London, and was in the confidence of some, *Sheehan* 7677–7679.

M'Donnell, Dr. (Analysis of his Evidence.)—Catholic Dean of Cashell, 8883——Witness did not threaten the people with a deprivation of spiritual rites if they voted against his wish, 8884–8894——Witness, in his spiritual capacity, has exhorted them against bribery, drunkenness and rioting, 8895——As a member of civil society, witness has assigned reasons why one candidate should be preferred to another, 8896——Why clerical influence could not be made use of in confession under the ballot, 8899–8902. 8945–8950. 8955, 8958——Witness did not hold out inducements to tenants to break their promises with their landlords, 8903–8915. 8959. 8990, 8991——Addresses from the altar have been against perjury, drunkenness and rioting, but outside the sanctuary they have been relative to temporal concerns, 8916–8930.

How for weight is attached to the spiritual character of a clergyman when addressing the

M'Donnell, Dr. (Analysis of his Evidence)—continued.

the people on temporal matters, 8931–8944——Interest of the community, and not of the Roman Catholics in particular, was considered in returning two Protestant liberal Members for Cashel, 8951–8954——Further evidence relative to the power and duty of the Catholic clergy in the confessional, 8959–8975——Letters have been written by Catholic dignitaries relative to the sinfulness of taking a bribe, 8976, 8977——Many persons voted for the popular candidate, notwithstanding the threats of their landlords, 8978–8982——How far it would be sinful in a Catholic to vote in favour of a measure that might affect the interests of his religion, 8983–8989.

M'Donnell, Dr. See *Roman Catholic Clergy*.

M'Gillcuddy, Mr. Action brought by him to recover the balance of the price of a cloak, dismissed in consequence of the immoral consideration given for it, *Supple* 12107–12109.

M'Hale, Dr. Pastoral letters of, are not hostile to the interference of the priesthood, *Fitzgerald* 5357–5359.

MAGISTRATES:

1. *England.*
2. *Ireland.*

1. *England.*

Cheshire, South. Intimidation of the worst description practised by the magistrates to influence the electors of South Cheshire, *Sherratt* 3866–3869——Instances of the undue influence exercised by magistrates in canvassing for elections in Cheshire, *Sherratt* 3867–3950——In the Reform interest do not make use of intimidation to influence electors in South Cheshire, *Sherratt* 3875——Instances of intimidation to influence electors practised by magistrates in South Cheshire in the Tory interest, *Sherratt* 3868–3873. 3876–3894——*Devon, South:* Their influence in certain cases, *Terrell* 2922——*Ipswich:* Why the great bribery and corruption which used to exist previous to 1826 in the municipal contests for the election of magistrates, aided by Members of Parliament, has not existed since 1826, *Cowell* 1428–1433——*York, West Riding:* Influence of justices does not operate upon small freeholders, *Craven* 3721, 3722.

2. *Ireland.*

Generally: Revision of the magistracy in Ireland required after the passing the Emancipation Bill, *Duggan* 5795——When a magistrate takes informations he follows up the case himself, *Despard* 5902–5909——Mockery of justice in magistrates' courts, prevents people aggrieved applying there for redress, *Maher* 9953——*Carlow:* There is a general anxiety on the part of the county to obtain stipendiary magistrates, and an application to that effect has been made to the Lord Lieutenant and the Government at home, and made by the cess-payers, on whom the burthen of paying the stipendiary magistrates is likely to fall, *Maher* 9957——Instance of a magistrate tampering with a voter, under a threat of an excise prosecution, *Maher* 10067–10086.

Cashel: Active part taken by the stipendiary magistrate of Cashel in favour of the unpopular candidate, *O'Brien* 9028, 9029——*Newry:* Town of Newry very badly off for liberal magistrates in 1835, *Caraher* 7436——Election of 1835 conducted peaceably, from the circumstance of liberal magistrates being in the town, *Caraher* 7447, 7448——*Queen's County*: By whom Mr. Singleton was appointed resident magistrate for Queen's County, and situation held by him previously, *Singleton* 5079–5086——Manner in which the power of the magistrates is directed against those who do not vote as they wish, *Lalor* 9320–9323——Their infuriated conduct; they all came armed to the election, *Lalor* 9445.

See also *Fishbourne*, Mr. *Houghton*, Mr. *Leach, William. Licenses. Mortgages. Overseers. Publicans. Singleton*, Mr.

Maher, Rev. *James.* (Analysis of his Evidence.)—Roman Catholic clergyman of the parish of Carlow, member of the liberal club, 9865–9868——Only witness and another clergyman who are members of the club; number of Roman Catholic clergy there are in the county, 9869, 9870——Threats against electors voting for the liberal party have ended in their ruin in many cases; ebullitions of popular feeling against voters in the conservative interest have only been transitory, 9871——A considerable body of the gentry of the county are leagued together to control their tenantry to vote in the conservative interest, 9872–9878. Expensive legal proceedings taken by Mr. Alexander, a landlord, against his tenants, for voting contrary to his wish, 9880–9895——Statement of these circumstances in the Leinster Independent and Dublin Evening Post, 9896–9898——Statement by Mr. Alexander, as secretary to the Conservative club, that gentlemen of the county were sworn to drive from their lands the Catholic tenantry, and put Protestants in their place who would vote as they wished, 9901——Landlords have made up their minds to get rid of all Catholic tenants, 9902——Mr. Alexander discharged the sons of voters who had worked for him several years, because their earnings should not assist the parents who had voted against his wish, 9903–9912——Threat by Mr. Alexander's son to turn a tenant out of his farm for voting against his wish, 9913–9919.

Excitement of popular feeling against Patrick Neele; destruction of his pew in the chapel; supposition that he did it himself; his oath to the expenditure of money for the repair of roads, which it is believed he did not expend, 9921–9945——The only tenant of Mr. Alexander's, who owed a year's rent, was served with an ejectment, avowedly on account of his vote, 9946–9949——Persecution of tenants by landlords in their capacities

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capacities of landlords, masters and magistrates, 9950——Case of Murray, a tenant and servant of Colonel Bruen, being discharged from service and ejected from his holding, in consequence of his vote, 9952, 9953——Mockery of justice in magistrates' courts prevents persons aggrieved applying there for redress, 9953——Complaints are principally against the petty sessions, 9957–9959——Injustice shown by the judges in summoning up, or stating cases to the jury, 9960, 9961—— Case of Kehoe deprived of bog land by Colonel Bruen for voting against him, which land had been in Kehoe's possession 30 years, 9962–9965——Colonel Bruen has compelled several of his tenants to pay three half years rent within a short period, and in one instance has demanded payment of a rent that had been abated for ten years, 9966, 9967——The instances have been mentioned to show the general system of persecution carried on on Colonel Bruen's estate, 9969–9972.

Statements against Colonel Bruen have been published by witness in the Leinster Independent and not denied by the colonel, or on his behalf, 9973–9979. 10000–10023 ——Service of an ejectment on Widow Nolan, in consequence of her brother-in-law's vote against Colonel Bruen, 9981——Colonel Bruen has not answered witness's charge against him respecting Widow Nolan, otherwise than by a bare assertion of its not being true, 9982–9986——Ejectment of Walter Carty by Colonel Bruen for an abated rent, in consequence of his not voting for the colonel, 9997——Ejectment of James Murphy by Colonel Bruen, after an expense incurred by him in making forty shilling freeholders on the land to please the landlord, 9999——Forcible abduction of Christopher Byrne from his house at night by Mr. Harvey his landlord, aided by Mr. Newton a magistrate, and some military and police, to induce him to vote for Colonel Bruen; his subsequent escape and voting for the liberal candidates, 10024–10045.

Promises and threats made use of to Lawrence Nolan by Mr. Harvey, his landlord, to induce him to vote for Colonel Bruen and Mr. Kavanagh, his refusal and subsequent vote for the reform candidate, 10046–10063——Case of John Whaley whose landlord's agent refused to take his rent without the payment of tithe not previously demanded, legal proceedings taken against him for it, 10064–10066——Statement by Lord Beresford's agent, of his determination to provide a class of tenants for his estates, over whom the priests had no influence, 10066——Certain tenants served with latitats for their rent, though no previous demand for it had been made, 10066, 10067——Lord Down's tenants compelled to pay a sum previously allowed them for clearing lands, 10067——Mr. Kavanagh's tenantry deprived of the right of cutting turf, and fined for the trespass in consequence of it, 10067——Payment of rent by a tenant to the agent, and tenant's goods distrained for agent's debt, 10067——Prosecution of William Leach for selling whiskey without license, agreed to be suspended upon his supporting the Government candidate, his refusal and subsequent penalties inflicted on him, 10067–10145. 10159–10162——Witness gave up the situation of parish priest of Leighlin Bridge at the request of his superior, and became curate of another parish, 10146–10158.

[Second Examination.]—Further particulars relative to the case of Leach, showing collusion between the informer and excise officer, 10163–10191——Evidence attempting to fix Mr. Fishburn with knowledge of the message conveyed to Leach respecting his vote, 10193–10218——Reason of Mr. Houghton, a magistrate of liberal principles, not interfering on the bench for the protection of Leach, 10219–10240——A baker in Carlow paid the remaining portion of the excise fine for Leach, which was not paid by witness, 10241–10244——Heavy law expenses upon a small rent which another tenant of Colonel Bruen's was put to, 10245——Number of disfranchised freeholders turned off the estates of Lord Beresford and Colonel Bruen in Carlow, 10246——Number of persons turned off Lord Beresford's estate, under the assurance that he would have no tenants over whom priests exercised influence, 10247–10250——Difficulty landlords will have of superseding the Catholic tenantry by Protestants, 10251–10264——Organizations of the people do not exist in Carlow, 10265–10267——Some conservative landlords have done very little against their tenantry, 10271.

Control exercised by the popular party consisted in hooting persons and excluding some families from places of worship, but which feelings died away within three weeks of the election, 10273, 10274——Exclusive dealing has been carried on by both parties, 10276, 10277——Although the franchise has been a curse to many of the tenantry, they would rather be protected in the exercise of it, than altogether deprived of it, 10278–10290——All parties in Ireland would be protected by the ballot, 10291, 10292——Catholic ascendancy would be objected to by the Catholics of Ireland, 10294——Landlords, under the ballot, would always have their proper influence, 10295——Mistakes have been made by the people of Ireland in the election of candidates, from their making a bad use of their franchise in the first instance, 10296–10298——Rejection of Mr. Lambert for Wexford, though supported by both Whigs and Conservatives, was not in consequence of the influence of the priests, 10297–10303——Dr. Doyle did recommend a candidate for Queen's County, but not because it was in opposition to Mr. O'Connell, 10307.

In Queen's County, Dr. Doyle recommended Sir Henry Parnell, who was rejected by the people, 10308, 10309——If Colonel Bruen supported liberal measures and became a good landlord, he would be returned for Carlow, in spite of any opposition of the Catholic priests, 10311–10313—— The Catholic clergy would not prostitute their sacred office in the confessional, by attempting to ascertain the way a man had voted, if the ballot were introduced, 10314–10320——Denial of a charge against witness of attempting, in the

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confessional, to influence a lady of the name of Burgess to use her interest with her husband to vote for a particular candidate, 10321–10327——Statement of the circumstance in the Carlow Sentinel is a falsehood; the editor of that paper was once a very strong writer on the liberal side, 10328–10335——Charge of Mr. Singleton, chief constable and magistrate of Carlow, against witness, which charge was afterwards withdrawn, and a public apology made, 10337–10344——Particulars as to a speech, and explanation of strong language used by witness at the Carlow election in 1832, 10345-10360.

Witness, in canvassing Mr. Butler in 1832, did not make use of threatening language, 10361–10365——Mr. Butler's house was not broken into; there was one pane of glass broken by accident, 10368–10370——Witness's version of his speech relative to Colonel Bruen at the last election, 10366, 10367——Mr. Singleton was appointed by Lord Anglesea, as a reward for his merit, 10376–10380——Evidence as to the setting fire to a stable, the property of John Cummins of Bagenalstown, and burning horses who had been employed in conveying voters of the conservative candidates to the election, 10381–10385——The objectionable parts in an address, stated to be one of Father Kehoe's, are fabrications, 10386–10394——The extent of the Catholic clergy in elections has only been that co-peration with the people which they would not be satisfied without, 10395–10404——If there were a better system of government in Ireland, and the Catholics put on equality with Protestants, the Catholic clergy would not interfere in politics, 10405-10407——Affidavit of the Rev. Andrew Phelan of Dunlekney, denying his or any other priest's interference with the Catholic tenants of Colonel Bruen in that parish at the Carlow election, 10408——Affidavit of the Rev. A. Phelan, relative to his ignorance of a riot at the chapel, and instrumentality in stopping confusion, and also as to his reason for not baptizing the child of an elector in Colonel Brueu's interest on a particular day, 10408.

Affidavit of Patrick Parkinson clerk, stating directions given him by the Rev. Michael Kehoe to admonish the congregation of Balleroon not to go to the election, except those who had votes, 10408——Affidavit of the Rev. John Murphy of Ballinakale, relative to his unsuccessful attempts to put down a riot in his chapel, and his subsequent withdrawal without saying mass, 10408——Affidavit of the Rev. Michael Kehoe, relative to his enjoying quietness in his parish, and that only voters should go to the election town, 10408——Affidavit by Jeremiah Kehoe as to his protection of two females from popular violence, and as to his condemning the conduct of those who were anxious to exclude persons from divine worship, 10408——Certificate of Richard Buggy, relative to his restoring order in the chapel of Rahama, 10408——Witness did not attempt to influence his parishioners by a canvas, 10408——The sanctity of the chapel did not prevent popular feeling for one or two Sundays after the election, 10409, 10410——Father Kehoe intends to bring an action of libel if he finds he has good grounds for doing so, 10411.

Maher, Father. If the cases of Nolan and Murray relative to the Carlow election had been founded in fact, Father Maher would have vindicated their cause before the tribunals, *Bruen* 10813——Pecuniary circumstances of, his strenuous exertions with regard to elections, *Bruen* 11000–11007——Proceedings of, in heading a mob which went canvassing, threats used by him, and his non-interference when violence committed, *Carroll* 11109–11127——Influence possessed by, over the mobs he headed, *Carroll* 11489–11493——Violent speech of, on the hustings in 1832, confusion in consequence, and threat of the assistant barrister to commit him, *Carroll* 11142–11160——Inflammatory speech of, at the election in June 1835, particularly against Colonel Bruen and witness, *Carroll* 11341–11350——He was actually employed at the different booths during the election, *Carroll* 11220——Means taken by to injure witness in his trade of a tanner by the system of exclusive dealing, *Dowling* 12244–12259——Correspondence relating to him, *App.* p. 718.

See also *Beresford*, Lord. *Bruen*, Colonel. *Burgess*, Mrs. *Speeches*.

Mahoney, Mr. His property brought to Tralee, and sold within the time allowed by law, *Supple* 12195.

Mahoney, Rev. Mr. Great exertions used by him to secure the election of Messrs. O'Connell and Mullins among the electors of Listowell, *Brownrigg* 4659.

Malcolmson, Mr. Difficult to account for Mr. Malcolmson's violent expressions against the priests at Clonmel, *Looby* 9630–9644.

Malcolmson, Mr. *Francis*. Particulars as to the attempt to murder him for voting for the conservative candidates at Carlow in 1832, *Carroll* 11128–11139.

Maldon. Admission of freemen at Maldon at the expense of the candidate previous to elections, *Florance* 511–521.

See also *Loans*.

Mansfield, Lord. See *Landords*, 1.

Manufactures. Influence used by the master manufacturers over their workmen,—At Birmingham, *Gilbert* 4200–4208——At Coventry, *Troughton* 1196–1212——At Exeter, *Terrell* 2886——At Norwich, *Edwards* 2562, 2563——Influence of manufacturers over workpeople, or the contrary depends on the state of trade at Leicester, *Hudson* 2256–2259——Manner in which the ballot would prevent any bad feeling between the manufacturers at Leicester and their men, they are anxious for it, *Hudson* 2350–2358——If manufacturers choose to exercise it, they might influence their operatives, but there are but few operatives who have votes in the West Riding of York, *Craven* 3723–3730.

Marriage. Obtaining freedom by marriage in Hertford done away with, *James* 914.

Marseilles. Riots at the election of M. Berryer at Marseilles, caused the election to be void, and intimidation prevented his friends again coming forward, *De Tocqueville* 4057. 4060–4064.

Martin's, Saint, in the Fields. See *Ballot,* VI. *Balloting Papers,* 4. *Collectors of balloting Papers. Guardians of the Poor.*

Maryborough. Particulars of the outrage committed on voters residing in Maryborough, for having voted for the conservative candidates, *Singleton* 4902–4912.

Maryland. There is a large body of Roman Catholics in Maryland, and a large body of Roman Catholic clergy, *Van Wart* 8696.
See also *Jesuits. Roman Catholic clergy.*

Marylebone Saint. See *Ballot,* VI. *Ballotting Papers,* 4. *Candidates for Vestrymen. Canvassing Electors,* &c. *Inspectors of Votes. Rate-payers. Tradesmen. Vestrymen.*

Massachusetts. The great quiet in which elections are conducted in Massachusetts and in the States generally, is attributed entirely to the ballot, *Van Wart* 8658——The whole number of votes in the State of, are given in two or three hours, so that it would be impossible to know the state of the poll, *Van Wart* 8748——In this State the ballot is used on all occasions where it can be appropriately applied, *Ticknor* 9090, 9091——The suffrage in, is substantially universal, *Ticknor* 9099.

MASTERS AND SERVANTS:

1. *England.*
2. *Ireland.*
3. *America.*

1. *England.*

Bristol: Many workmen are dismissed for voting contrary to their masters' wishes, *Scott* 6883–6886——*Cambridge:* Discharge of servants by tradesmen for not voting according to their masters' wish, *Gunning* 114–117——Intimidation by masters over their servants, *Foster* 226——*Denbigh:* Influence of masters over their workmen, *Edgworth* 3098——Instance of workmen being discharged for voting against their employers' wishes, and of others voting differently at the two elections to please their employers, *Edgworth* 3110–3113.

2. *Ireland.*

Generally: Instances of persons losing their situations for having voted for the popular candidates, *Brownrigg* 4762–4766——Examination respecting the discharge of a man for voting against his employers' wishes, *Fitzgerald* 5410–5412——*Cashel:* Agent for the unpopular candidate discharged two clerks for voting against him, *O'Brien* 9030–9032——*Clonmel:* Instance of a man being discharged from his employment for voting for the popular candidate at Clonmel, *Fitzgerald* 5372–5387——A miller turned out of his employment for voting for the popular candidate at Clonmel, *O'Brien* 9045; *Looby,* 9519–9567——Instance of another man being discharged but afterwards taken back, *Looby* 9568–9571——Instance of two Protestants in the service of Mr. Bianconi voting for the conservative candidates against his wish, and not being discharged, although they abused their master, *Looby* 9595–9618——Refusal by a gentleman to employ witness from having offended his late employer by his vote, *Looby* 9680.

3. *America.*

Boston: Instances of servants voting against their masters without any fear of personal consequences, *Ticknor* 9081–9085.
See also *Alexander,* Mr. *Coffee,* Mr. *Manufacturers.*

Mayor, Leicester. The mayor for the year, as one of his perquisites, has the interest of Sir Thomas White's trust money when not out at interest, *Hudson* 2232——Fills up vacancies for the year in the Trinity Hospital, *Hudson* 2269.

Meath. See *Arms. Carolan,* Father. *Clergy, Protestant. Conservative Interest. Corn Acres. Court House. Disfranchisement. Distress for Rent. Ejectments. Election Disturbances. Exclusive Dealing,* 3. *Freeholders,* 2. *Intimidation,* 3. *Landlords,* 2. *Military. Orange Lodges. Outrages. Penalties. Placards. Police. Politics. Popular Feeling. Protestants. Registration of Votes. Rent. Riband Societies. Roman Catholic Clergy. Speeches. Tradesmen. Voters.*

Meath, Bishop of. Two females in his employ severely beaten for having purchased flour of a person who had voted against the popular party, *Despard* 5888.
See also *Assaults.*

Meath Club. The club is an association for the registration of voters, and to secure the return of the popular Members, *Mullen* 8248——Number of members and amount of subscriptions to the Meath club, *Mullen* 8439–8450——Rules and regulations of the Meath Independent Club, *Mullen* 8452——Was established in 1830, *Mullen* 8465——Manner in which the Meath Club exerts itself for electioneering purposes, *Mullen* 8469–8474——Not pledged to effect the repeal of the Union till 1832, *Mullen* 8475–8483——Members of the Meath Club did not exercise influence over their tenantry and dependents, *Mullen* 8503–8506.
See also *Agitation.*

Meath Election. The result of the election of 1831 was produced by violence and intimidation, *Despard* 5972–5974——Opinion, that if the people were left to themselves they would be peaceable and quiet, *Despard* 5975–5982——The conduct of the people was very peaceable at the last election, they cleared out of the town by five o'clock, *Mullen* 8507, 8508.

See also *Military at Elections.*

Mechanical Agents. Description of persons who are the mechanical agents for conducting the bribery, and manner in which the system is conducted in Stafford, *Parkes* 1603–1607.

Mechanics. No class so independent as the mechanics of Birmingham, *Gilbert* 4206.

Meetings, France. Previous meeting sometimes take place, at which candidates address electors, *Jolliret* 6497, 6498.

Melun. Extended constituency of Melun after the Revolution, *Thibaudeau* 9286, 9287.

Members of Parliament. Impossible to suppose that a seat in Parliament can ever be obtained by bribery without the Member who is returned giving his sanction to it, or at least being aware of it, *Cockburn* 3754. 3765——Ought to be visited with the costs if unsuccessful in defending petitions against them, *Cockburn* 3756——Should not be called upon by the committee for examination with a view to clearing himself unless a *primâ facie* case has been made out against him by the opposite party, *Cockburn* 3783——Conservative Operative Society of Bristol do not interfere in promoting the conservative interest as respects Members of Parliament, *Sircom* 7156——Advocates of the ballot object to protect representatives by ballot, as they are responsible to the constituents, *Parkes* 1801——Protestants in Ireland have no confidence in Catholic Members returned in the Protestant interest, *Singleton* 4981.

See also *Agency. Bribery,* III. IV. *Declarations of Members. O'Connell,* Mr. *Protestant Members.*

Michael's, St. Parish, Bristol. Report from Mr. Hunt, chairman of this district, of Sir J. C. Hobhouse's committee in the evening of the first day's polling at the Bristol election 1834, *Visger* 6656.

Mileage. See *Sheriffs.*

Military at Elections in Ireland. Generally: They never make themselves partizans, *Hatton* 4551——People of Ireland are more disposed in favour of the military than the police, *Willcocks* 5671——Opinion that in any contested election in Ireland it is absolutely necessary to employ the troops, *Despard* 5870–5878——They had directions to obey the commands of the chief constables as well as three magistrates appointed for the purpose, *Lalor* 9427, 9428——Used in some instances to coerce freeholders, *Lalor* 9428–9430.

Cashel: Were called out by the stipendiary magistrate of Cashel to quell a riot when none had taken place, *O'Brien* 9029——*Clonmel:* Letter from Mr. John Willcocks, jun. to Major Miller, enclosing letter from Mr. Bagwell, returning thanks for the manner in which the peace was preserved during the election for the town of Clonmel, *Willcocks* 5510——Examination respecting the calling in of the military to clear the court house during the election in consequence of the noise made by Mr. Bagwell's bludgeonmen, *Willcocks* 5656–5671——Opinion that by calling out the military the peace of the town was preserved, *Willcocks* 5683, 5684——*Meath:* Meath election could not have been carried on without considerable riot, but for the assistance of the military and the police, *Despard* 5859——The military did not interfere in any way during the election, *Despard* 5873, 5874——Quantity of police and military at Trim at that time, *Despard* 5962, 5963——Great number more military employed at the election in 1831 than in that of 1835, *Despard* 6069–6076——Sufficient military and police could have been obtained by application to the high sheriff, *Mullen* 8491, 8492.

Queen's County: Opinion that the freeholders could not and would not go the poll if the troops and civil authorities had not been called out, *Singleton* 4829–4831——Conduct of the military most praiseworthy, *Singleton* 4831——No fair election can take place there without the interference of the military, *Singleton* 4832, 5087–5094——Voters could not have been brought to the poll unless escorted by the military, and instances of their being conveyed by night, *Singleton* 5113–5115——Were introduced into Queen's County to overawe the people upon affidavits sworn before the Lord Lieutenant which were not true, *Lalor* 9364——Extent to which they acted in Queen's County, *Lalor* 9440——Were hailed by the people owing to the conduct of Sir John Harvey, had they been left to the magistrates much mischief would have ensued, *Lalor* 9451–9456.

Tipperary: Voters would not have gone to the poll but for the protection of the military, *Willcocks,* 5504, 5505——Conduct of, very temperate, *Willcocks* 5507–5509——*Tralee:* The introduction of the military and police extremely necessary at the election for the county of Tralee, *Brownrigg* 4587–4589——*Wexford:* Dispersed by the populace, while attempting to protect voters coming to Wexford, *Hatton* 4358——Custom for the military and police to go with the magistrates to bring up voters to the poll, and nature of the inquiries made on those occasions, *Hatton* 4410–4413——Their conduct approved of by the civil authorities on the occasion of the Wexford election, *Hatton* 4548——Opinion that the introduction of the military at Wexford was

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was absolutely necessary to preserve the peace, *Hatton* 4548–4554——Great forbearance shown by, at the time of the attack on Mr. Redmond's voters, *Hatton* 4552, 4553.

See also *Finn, Patrick. Riots.*

Military, France: Armed bodies not allowed to be within the precincts of the electoral college, *De Tocqueville* 4013–4015.

Military Officers. Instance of an officer in Queen's County, who was so intemperate, that he rode a man down, *Lalor* 9441.

Militia. See *Kennington, Joshua.*

Misdemeanors. Reason indictments for misdemeanors in cases of bribery are seldom brought, *Florance* 409, 410.

Monaghan Club. Catholic clergymen are members of the Monaghan Club, *Mullen* 8453.

Money. It would be an improvement in the law if it were made an offence to give money after an election, *Florance* 400–403——Very little money given on either side at the last election for Cashel, *Fitzgerald* 6244–6246——For Tipperary, *Willcocks* 5697.

Montaubon. M. de Presac, the deputy for Montaubon, complained of violence almost personal, exercised by the populace of the town, at an election after the revolution of 1830, *De Tocqueville* 4058.

Moral Feeling. In Cambridge is very much in favour of the open system of voting instead of the ballot, *Foster* 245–275.

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Pennefather, Mr. He has not ejected any of his tenants for voting against him, but he has distrained for rent due from them, *Willcocks* 5570–5572. 6198——Great deal of undue influence and improper interference on the part of the priests used on a certain occasion with the tenants of Mr. Pennefather, *Fitzgerald* 5450–5453——No doubt but that the influence used by the priests was the cause of the rejection of Mr. Pennefather, *Fitzgerald* 5458–5460——Examination respecting the speech imputed to the parish priest who visited the tenants of Mr. Pennefather to solicit their votes against him, *Fitzgerald* 6178–6185.

Penryn Election. In the Penryn case in 1827 agency was proved and the bribery caused the election to be void though the sitting member had no participation in it, *Cockburn* 3790, 3791.

Pensions. Withdrawal of pensions from persons in consequence of relations having voted against the interest of a certain proprietress at Ripon, *Lunn* 3263–3269. 3278–3293. 3409–3413.

Perjured Catholics. Considered to be those who voted against the wishes of their priests, *Carroll* 11580–11585.

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Perrin, Mr. Serjeant. No applications made to, to know whether any influence had been used with persons who had promised to vote for him, *Fitzgerald* 5454–5457——The parties who voted for, were persons of the first respectability in Cashel, *Fitzgerald* 6164–6177.

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Peter, St. Parish, Bristol. Report from the chairman of this district of Sir John Hobhouse's committee in the evening of the first day's polling at the Bristol election, 1834, *Visger* 6656.

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Pews. The pews of Roman Catholics who voted against popular candidates have been destroyed, *Hatton* 4486–4488——Pew of Patrick Neele in the chapel at Milford broken up, because he voted with his landlord against his priest, *Byrne* 8094, 8095——There are instances of persons having their seats in the chapels in Queen's County destroyed, *Lalor* 9386.
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Phelan, Rev. *Andrew.* Affidavit of the Rev. Andrew Phelan of Dunleckney, denying his or any other priest's interference with the Catholic tenants of Colonel Bruen in that parish at the Carlow election, *Maher* 10408——Affidavit of, relative to his ignorance of a riot at the chapel and instrumentality in stopping confusion, and also as to his reason for not baptizing the child of an elector of Colonel Bruen's interest on a particular day, *Maher* 10408——Violent speech attributed to him as spoken in his chapel at Bagenalstown, which subsequently caused a threatening letter and attempted assassination of a voter, *Carroll* 11137——Active part taken by, in politics, *Carroll* 11140–11143——Use made of Cummin's name before the altar by Father Phelan, *Carroll* 11445–11447——His unseemly gestures towards those who voted against his party if they were Roman Catholic electors, caused the deputy sheriff to threaten to call the attention of the high sheriff to their conduct, *Carroll* 11161.

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Philip, St. and Jacob Parish, Bristol. Report from Mr. Bromhead, chairman of this district of Sir J. C. Hobhouse's committee, in the evening of the first day's polling at the Bristol election 1834, *Visger* 6656.

Pigs. Manner in which, in some towns, the gift of pigs influences votes, *Parkes* 1618.

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Pledges. Reluctance on the part of voters at Cambridge to pledging themselves before the day of polling as to whom they intend to vote for, *Foster* 207–210.

Plunkett, Mr. Principally supported by the gentry of Trim, *Despard* 6016——Having addressed a large body of persons at Navan, ordered some whiskey to be given them, and report made thereon by chief constable Coghlan, *Despard* 6086–6090.

Plymouth District, South Devon. Analysis of votes, showing the names of parishes; number of registered voters in 1832 and 1834; number of voters polled and dead; number incapable of coming to poll; number of freeholders who voted for Lord J. Russell and Mr. Parker; number of leaseholders, renters, &c., who voted for Lord J. Russell and Mr. Parker; voters disqualified by sale of property or otherwise; and number who omitted to poll though in England, *Terrell* 2697.

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Political Club, Queen's County. There are very few practical members of the political club, and there have been but few meetings since the last election, *Lalor* 9510, 9511.

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POLL.

1. *Limiting the duration of.*
2. *Periodical publication of the state of.*
3. *In America.*
4. *For Parochial Officers.*

1. *Limiting the duration thereof.*

Desirable to limit the duration of the poll in counties and boroughs to one day, *Gunning* 56–62; *Florance* 612–614; *Cowell* 1586–1590; *Parkes* 1720–1725; *Roberts* 2082–2084; *Hudson* 2194.

It would tend to prevent bribery, *Florance* 702–704; *Cowell* 1359–1362. 1388; *Edwards* 2534–2542——There would be no difficulty in taking the votes for counties in one day, if there were a greater number of polling places, *Roberts* 2085——At Cambridge there would be no inconvenience in it, *Gunning* 60–63——Or at Ipswich, *Cowell* 1359–1362. 1388——Many voters would remain unpolled at Coventry, *Troughton* 1222–1237 ——Many voters after the publication of the result of the first day's poll at Leicester, offer themselves to those who will give most, *Hudson* 2164–2193.

2. *Periodical publication of the state of.*

Preventing the state of the poll being known periodically through the day would tend to prevent bribery, *Florance* 702–704; *James* 1023–1038——State of the poll should not be kept secret under the ballot, in the event of their being two members to be returned, *Parkes* 1726–1732——Books kept by voters at Norwich, by which they can tell the state of the poll in a short time, *Edwards* 2470–2473——How far the state of the poll could be surmised, in the event of its not being declared till the end of the election under the ballot, *Edwards* 2543–2561——Seldom a change in the relative position of the candidates on the poll at Coventry on the second day, though there are instances of it, *Troughton* 1232–1234.

3. *In America.*

The poll at New York is open three days, *Van Wart* 85–24——State of the poll is not officially known in New York till its close, *Van Wart* 8743–8747.

4. *Parochial Officers.*

Votes for the election of vestrymen might be taken in one day, in St. George's, Hanover Square, *Chappell* 7493–7495——In St. Mary-le-bone, *Wardell* 7223, 7224, 7225——In St. Pancras, *Douglas* 8849——Many voters having to reduce a long list, would extend the time for polling for vestrymen in St. George's, Hanover Square, *Chappell* 7515–7517 ——State of the poll is a mere guess at elections for vestrymen in St. Pancras, *Douglas* 8850–8854. 8863; *Vigors* 8879–8882.

Polling conducted in an orderly manner at elections of vestrymen for St. Mary-le-bone, *Wardell* 7243–7247.

Poll-book, made use of at Bristol, with a view to exclusive dealing, *Visger* 6686–6689.

Polling-money. Allowance of at Bristol, *Visger* 6397–6408; *Scott* 6841——Split votes paid by each party; Conservative Operative Society, used for the purpose, *Visger* 6561——No polling-money was distributed by the society, *Sircom* 7161——Society paid 3*s.* per day to freemen attending the nomination, *Visger* 6628–6633.

Polling Places. Increase in the number thereof would materially lessen intimidation, *Hatton* 4393–4397-——Names of the, for the southern division of Cheshire, *Sherratt* 4010——Number of polling places for the election of vestrymen in St. Mary-le-bone, *Wardell* 7216–7219.

Poor Laws. The introduction of a moderate system of Poor Laws requisite for Ireland, *Duggan* 5795——Mr. Plunkett was favourable to their introduction, *Despard* 6096.

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Ireland: Violence of mobs has presented intimidation, and destroyed the fair expression of opinion, *Parkes* 1768——People of Ireland are not induced by popular clamour to vote against their consciences, *Lalor* 9490——*Meath:* Greater effect of, than priestly influence on tenants, *Mullen* 8426–8435——A great crowd always comes into the town at the election, *Mullen* 8493–8499.

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Price of Land. Regulation thereof, one of the objects of the Riband Societies in Ireland, *Despard* 6135.

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Private Houses. Great difficulty in the way of legislating to prevent treating at private houses, *Florance* 460–474.

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Professional Men. Agents, attornies and counsel should be deprived of their privilege when examined relative to bribery and treating, *Florance* 538–550; *Parkes* 1854–1858; *Cockburn* 3792–3797——Great influence by solicitors over voters, *Parkes* 1846, 1847. 1853; *Roberts* 1988–1993; *Edwards* 2564——Ballot would diminish it, *Parkes* 1848; *Edwards* 2574–2576——Respectable solicitors would be very cautious in exercising their influence to any extent, *Terrell* 2778-2780——Solicitors much more in the habit of acting gratuitously than they did, *Parkes* 1852, 1853——Instances of their being retained by candidates of opposite opinions, *Parkes* 1853——Influence used over a professional man at Denbigh, induced him to become a partizan for the conservative candidate, after having been engaged in a previous election for the reform candidate, *Edgworth* 3103, 3104.
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Promises of Votes. Ipswich: Number of promises unpolled at the commencement of the second day on the liberal side, but who voted on the opposite side, *Cowell* 1374–1380—— From intimidation used by the conservatives, *Cowell* 1387——Means taken by the liberals to poll their promises, on the poll becoming slack on the first day, *Cowell* 1380–1386.

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Prosecutions. Parties refrain from prosecuting for common assaults, without reference to those at elections, from the apprehension of private violence, *Brownrigg* 4631–4636—— The fewer prosecutions that take place arising out of elections the better, *Brownrigg* 4651, 4652.

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Public Establishments. Influence used by a certain public establishment over its tradesmen at the last election for Westminster, *Florance* 622–625.

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supported by the corporation, *Cowell* 1500–1503——Must be freemen to obtain a licence; and strangers being preferred by the corporation to freemen in their own right, they in some instances pay the 50*l.* for their freedom out of Sir Thomas White's loan of 100*l.*, getting their maltster and liquor merchant to become sureties, who receive the other 50*l.* towards their bills, *Hudson* 2255——*Westminster*: Their votes not influenced by the fear of displeasing magistrates, *Florance* 641.

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Quarry Men. Have in some instances been sent into the town of Carnarvon for the purposes of intimidation, *Roberts* 2686.

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Queen's County. Great excitement prevailed in, arising from the expected election there, *Singleton* 4826–4828——Extract from a letter as to the state of the county since the election, *Singleton* 5192–5208——Last election was a religious contest, *Singleton* 4915–4917——Candidates at the last and previous election for Queen's County and number of electors who voted, *Lalor* 9301–9304——Cause of witness representing Queen's County, and cause of the popular objection to Sir Charles Coote, *Lalor* 9354–9361.

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Quill, Mr. *T.* Had his cattle impounded for rent two days after he had voted at the Kerry election, *Supple* 12195.

Quinlan, Mr. Refused to take the bribery oath when administered, *Supple* 12119——Received 40*l.* to vote for Sir Edward Denny at the Tralee election, *Supple* 12119.

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Rankin, Mr. Entirely deprived of his business as a West India cooper for voting for the Whig candidate at the Bristol election, *Visger* 6671–6676.

Raphael, Mr. Names of the priests who proposed and seconded him in 1835 for Carlow, *Carroll* 11605.

Rate Payers. Numbers of, who voted at the last and previous elections of vestrymen in St. George's, Hanover Square, *Chappell* 7491, 7492——St. Mary-le-bone, *Wardell* 7239–7242——St. Pancras, *Douglas* 8776–8780——Number of Rate-payers whose intended manner of voting for vestrymen was not known: In St. Mary-le-bone, *Wardell* 7306–7311——In St. Pancras, *Douglas* 8808–8816——Intention of a man's vote for vestrymen in St. Pancras is sometimes known by the colour of the list he asks for, *Douglas* 8851–8853.

Rates. Generally: Payments of rates and taxes by agents of candidates for boroughs; supposition that it would come under the Bribery Act, *Florance* 531, 532——The rate system of qualification objectionable; proposed amendment, *Parkes* 1792——Rate-paying clauses in the vestries and Reform Acts, should be abolished as an incentive to bribery, *Hovenden* 7349–7352——*Bristol:* Proportions of assumed rental on which assessment is made in the different parishes in Bristol, *Visger* 6744——*Hereford:* Payment of rates has taken place in Leominster but not in Hereford, *James* 921–929——*Ipswich:* Loans of money for the payment of poor's rates in Ipswich is not considered illegal, *Cowell* 1448–1453——*Leicester:* Payment of rates has not gone on to any extent since the Reform Bill, *Hudson* 2387–2389——*Norwich:* Number who are rated to the poor, *Edwards,* 2448–2452——*Stafford:* Payment of rates is not considered illegal, *Parkes* 1607–1612.

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Rathcormac. Invariably referred to by Roman Catholic priests in their appeals to the public on the subject of tithes, *Fitzgerald* 5351.

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Reclaiming Lands. A system for reclaiming waste lands contemplated after passing the Emancipation Bill, *Duggan* 5795.

Redcliffe, St. Mary Parish, Bristol. Report from this district of Sir J. C. Hobhouse's committee of the first day's poll 1834, *Visger* 6656.

Redmond, Mr. Nature of the expressions made use of by him, and which irritated the minds of the Roman Catholic clergy in Wexford, *Hatton* 4436–4439.

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Refreshment Tickets. Their value to different classes of voters: they are frequently cashed, *Parkes* 1662——Granted to county voters for Hereford in 1818 and 1832, *James* 756–776——They are not sold now, member for Hereford in 1802 unseated partly through their being sold, *James* 789–791.
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Wilson, Sir *Robert.* His statements made on the English Reform Bill discussion, that, in 1831, Virginia had rejected the ballot after having tried it, were not true, *Parkes* 1766.

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Witnesses. Average expenses of each witness on Coventry election petition, *Troughton* 1257, 1258——Worcester election petition, *Florance* 720–724——Great difficulty in obtaining witnesses to give evidence in Wexford, in consequence of intimidation, *Hatton* 4299.

See also *Absconding of Witnesses. Commissions. Depositions. Elections. Evidence. Indemnity to Witnesses. Ipswich Election Committee.*

Woolf, Mr, Had his cattle impounded two days after he had voted at the Kerry election, *Supple* 12195.

Worcester. See *Overseers.*

Worcester Election Petition. See *Witnesses.*

Worcestershire. Contests in this county have been conducted almost exclusively by unpaid agents, *Parkes* 1853.

Works, Public. The work is usually distributed among the political supporters of the corporation—At Exeter, *Terrell* 2877——At Norwich, *Edwards* 2573.

See also *Carnarvon Pier.*

Wrexham. See *Ballot,* III. 1. *Bankers. Householders. Tradesmen.*

Wynn, Sir *Watkin Williams.* Influence of, over his tenantry in favour of the conservative candidate, *Edgworth* 3092. 3156–3159.

See also *Absence of Voters.*

York, West Riding. See *Magistrates. Riots.*

Youghall. See *Ballot,* III. 2. *Clergy, Protestant. Corporations. Exclusive Dealing,* 3. *Landlords and Tenants,* 2. *Tradesmen.*